



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in title 2, division 6 of the California Code of Regulations. The Fair Political Practices Commission ("Commission") will consider the proposed regulation at a public hearing on or after **April 12, 2007**, at approximately **9:45a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **April 10, 2007**.

BACKGROUND/OVERVIEW

The Commission has broad authority, under the Political Reform Act ("Act")¹, in determining the types of information persons, substantially engaged in local and state political activities in California, must disclose. Section 84101 requires certain types of committees (commonly referred to as "recipient" committees) to file statements of organization with the Secretary of State. Section 82013(a) defines a recipient committee as any person or combination of persons that directly or indirectly receive political contributions totaling \$1,000 or more in a calendar year. Section 84102 describes what information shall be included in a recipient committee's statement of organization. Specifically, section 84102(g) states that a statement of organization shall include information as shall be required by the rules and regulations of the Commission consistent with the purposes and provisions of chapter 4 of the Act (sections 84100–84511).

REGULATORY ACTION

Amend 2 Cal. Code Regs. § 18402: Consistent with section 84102, the proposed regulation would require

¹ Government Code sections 81000–91014. Commission regulations appear at title 2, sections 18109–18997, of the California Code of Regulations. References to "section" are to the Government Code, and references to "regulation" are to title 2 of the California Code of Regulations, unless otherwise indicated.

inclusion of a candidate's last name in the name of a committee: (1) controlled by, and/or (2) primarily formed to support or oppose, one or more candidates for purposes of the candidate's election. Thus, whenever a committee's identification is required by law, the above-described committees would also have to disclose the last name of the candidate(s). Depending upon which option point is chosen, the proposed amendment could affect the scope of information that is required to be disclosed pursuant to other portions of the Act, including those portions regulating advertising and mass mailings.

The goal of the proposed amendment is to provide the public with more clarity as to who controls candidate committees by identifying the names of candidates in the names of such committees whenever the committee name is required to be disclosed by law. Decision points in the current version deal with various issues, including the following:

- Whether primarily formed committees should be subject to the mandates of the proposed regulation; and
- The amount of detail the regulation should contain regarding how a committee should be named.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Sections 83112 and 83113 provide that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code sections 84102, 84503, 84504 and 84506.

CONTACT

Any inquiries concerning this proposal should be made to Andy Rockas, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone: (916) 322-5660. Propose regulatory language can be accessed at www.fppc.ca.gov.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION

MULTI-COUNTY: Chino Basin Desalter Authority
Los Cerritos Wetlands Authority

AMENDMENT

MULTI-COUNTY: California Joint Powers Risk
Management Authority
Riverside-Corona Resource
Conservation District

A written comment period has been established commencing on **March 9, 2007**, and closing on **April 23, 2007**. Written comments should be directed to the Fair Political Practices Commission, Attention **Ashley Clarke**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **April 23, 2007**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED
CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulation at a public hearing on or after April 12, 2007, at 9:45 a.m. Written comments must be received at the Commission offices no later than noon on April 10, 2007.

BACKGROUND/OVERVIEW

On February 8, 2005, Citizens to Save California and Assembly Member Keith Richman filed a complaint for injunctive and declaratory relief in Sacramento Superior Court challenging the Commission's adoption of regulation 18530.9 in June 2004, which imposed on candidate-controlled ballot measure committees the contribution limit applied to the controlling candidate. Plaintiffs claimed that the regulation violated the First Amendment, and that the Commission lacked statutory authority to adopt the regulation. Another group of plaintiffs led by Governor Schwarzenegger intervened in the action, and the court granted plaintiffs' motion for preliminary injunction, barring FPPC enforcement of regulation 18530.9 pending final disposition of the lawsuit. The Commission appealed, noting that the Superior Court's injunction was stayed while the appeal was pending.

On April 25, 2005, the Superior Court determined that its injunction remained in effect, and a writ petition challenging this finding in the Court of Appeal was denied. On May 26, 2006, the Superior Court stayed further proceedings pending resolution of the Commission's appeal of the preliminary injunction. The Third District Court of Appeal heard oral argument on November 17, 2006. On December 8, 2006, the Court of Appeal issued an opinion affirming the trial court's grant of a preliminary injunction against the Commission (*Citizens to Save California vs. California Fair*

Political Practices Commission (2006) 145 Cal.App.4th 736.)

REGULATORY ACTION

Repeal or Amend 2 Cal. Code Regs. section 18530.9:

The proposed regulatory action would repeal regulation 18530.9 or, in the alternative, add a comment stating that the regulation is currently subject to a preliminary injunction.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulatory action will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulatory action will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulatory action will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code sections 82016, 82043, 85301 and 85302.

CONTACT

Any inquiries should be made to Luisa Menchaca, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.html?id=351>.

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt, amend or repeal the regulation if it remains substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the regulation before its adoption, amendment, or repeal.

TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

Fax: (916) 263-0452
E-mail: Hbolz@cgcc.ca.gov

NOTICE OF PROPOSED RULEMAKING

“License Conversion Date Extension”

The California Gambling Control Commission (“Commission”) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to amend subsection (d) of section 12205.1 and subsection (c) of section 12225.1 to reflect a revised completion date for the conversion from registration to the licensing of:

1. Providers of Third-party Proposition Player Services,¹ and
2. Gambling Businesses.²

NO APA PUBLIC HEARING

At this time, the Commission has not scheduled an Administrative Procedure Act (APA) public hearing. Any interested person or his or her duly authorized representative may request such a hearing, pursuant to Government Code section 11346.8, no later than 15 days prior to the close of the comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relative to the proposed regulatory action to the Commission at any time during the 45-day public comment period. To be considered for a summary and response, all written comments must be received no later than 5:00 p.m., Monday, April 30, 2007.

Written comments for the Commission’s consideration should be directed to:

Herb Bolz, Senior Legal Counsel & Regulations
Coordinator
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100, Sacramento
CA 95833-4231
Telephone: (916) 263-0490

OPEN MEETING OF COMMISSION

After the APA public comment period is concluded, the Commission will place this regulation item on its agenda for consideration and possible action during one of its regular public meetings, likely in May 2007. The dates of Commission public meetings are posted on the Commission website, www.cgcc.ca.gov. Also, agendas are mailed out 10 days in advance to anyone who asks to be placed on the agenda mailing list. Requests to be placed on the agenda mailing list may be addressed to Lisa King, Executive Assistant, at lkking@cgcc.ca.gov or 916-263-0700.

AUTHORITY AND REFERENCE

Authority for the proposed regulations is provided by various provisions of the Gambling Control Act, which may be found in Business and Professions Code sections 19800 through 19987. In particular, Business and Professions Code sections 19840, 19841, 19853(a)(3) and 19984 provide authority to enact this regulation.

The reference citations are as follows: the proposed regulations implement, interpret, or make specific Business and Professions Code sections 19984, 19853(a)(3) and 19867.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Current regulations call for a transition from registration to the licensing of both third-party providers of proposition player services³ and gambling businesses.⁴ These regulations call for this transition from registration to licensing for persons registered prior to April 30, 2004, to be completed by July 1, 2007.

The process for this transition includes a requirement that all registrants (registered prior to April 30, 2004) submit an application for license conversion to the Commission within 30 days of a summons from the Division of Gambling Control (Division).

As of January 17, 2007, Commission records reflect that this process involves 1082 registrations that must be converted to licenses. This includes 14 third-party providers, 1 gambling business, 17 owner entities, 107 owners, 82 supervisors and 861 players.

As part of this process, the Division’s licensing staff will conduct in-depth background investigations on

¹ As defined in California Code of Regulations, Title 4, paragraph (28), subsection (b), of section 12200

² As defined in California Code of Regulations, Title 4, paragraph (11), subsection (b), of section 12220

³ California Code of Regulations, Title 4, subsection (d) of section 12205.1

⁴ California Code of Regulations, Title 4, subsection (c) of section 12225.1

each individual and/or business to determine whether they are suitable to hold a state gambling license. Suitability is determined by a number of factors including but not limited to the applicant's honesty, integrity, general character, reputation, habits, and financial and criminal history.

This background investigation requirement has created an unprecedented workload for the Division. As a result, this proposed regulation change would extend the due date for the completion of the license conversion project from July 1, 2007 to July 1, 2008. This additional one-year period will allow the Division sufficient time to summon the remaining registrants and complete the background investigations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: These regulations do not impose a mandate on local agencies or school districts.

Cost or savings to any state agency: None

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed upon local agencies: None

Cost or savings in federal funding to the state: None

Cost impact on representative private person or business: None

Impact on Business: The Commission has made a determination that the proposed regulatory changes will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: The Commission has made an initial determination that the proposed regulatory action would not affect housing costs.

Effect on small business: The Commission has made an initial determination that the proposed regulatory action would affect small businesses. The action would benefit small businesses by giving them additional time to complete the process of converting registrations into licenses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to

the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

ASSESSMENT REGARDING CREATION OR ELIMINATION OF JOBS IN CALIFORNIA

The Commission has made an assessment and determined that the adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses in the State of California.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action should be directed to:

Herb Bolz, Senior Legal Counsel & Regulations
Coordinator
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100, Sacramento
CA 95833-4231
Telephone: (916) 263-0490
Fax: (916) 263-0452
E-mail: Hbolz@cgcc.ca.gov

Requests for a copy of the proposed text of the regulation, Initial Statement of Reasons, the modified text of the regulation, if any, should be directed to:

Pam Ramsay, Legal Division Analyst
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100 Sacramento,
CA 95833-4231
Telephone: 916-263-8111, Email:
pramsay@cgcc.ca.gov, Fax: 916-263-0499

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the office address noted above. As of the date that this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. A copy of these documents may be obtained by contacting Herb Bolz at the address or telephone number listed above or by accessing the Commission's website at <http://www.cgcc.ca.gov>. Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Regulations Coordinator or viewed on the website.

**AVAILABILITY OF MODIFIED
OR CHANGED TEXT**

Following the public comment period, the Commission may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Herb Bolz at the address indicated above.

The Commission will accept written comments on the modified regulation for 15 days after the date which it is made available.

**TITLE 5. COMMISSION ON TEACHER
CREDENTIALING**

**Division VIII of Title 5 of the California Code of
Regulations**

**Proposed Amendments to California Code of
Regulations, Title 5
Section 80121 Pertaining to General Provisions
Governing Waivers,
Section 80124 Pertaining to Requirements for a
Request for Subsequent
Variable Term Waiver for a Specific Applicant,
and Section 80125
Pertaining to Submitting Requests for Variable
Term Waivers; Approvals and Denials**

Notice of Proposed Rulemaking

The Commission on Teacher Credentialing proposes to amend regulatory action described below after considering all comments, objections and recommendations regarding the proposed action.

Public Hearing

A public hearing on the proposed actions will be held:

April 26, 2007
8:30 a.m.
Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, California 95814

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on

April 23, 2007. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the California Commission on Teacher Credentialing, attn. Rhonda Brown, 1900 Capitol Avenue, Sacramento, California 95814-4213; or submit an email at rbrown@ctc.ca.gov.

Any written comments received 18 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

Authority and Reference

Education Code section 44225 authorizes the Commission to adopt the proposed action(s), which will implement, interpret or make specific sections 44225(g) and 44225(m) of the Education Code and govern the procedures of the Commission.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Summary of Existing Laws and Regulations

Existing laws and regulations provide a system of assuring the public that the individuals who provide instruction in kindergarten and grades 1 to 12 public schools meet certain minimum requirements relative to their qualifications and preparation to teach.

More specifically: California Education Code, Section 44225(d) requires the Commission to establish standards for the issuance and renewal of credentials, certificates and permits; California Education Code, Section 44225(e) requires the Commission to determine the scope and authorization of credentials; California Education Code, Section 44225(g) requires the Commission to establish alternative methods for entry into the teaching profession and other certificated roles in the schools; California Education Code, Section 44225(m) establishes the authority of the Commission to review requests for the waiver of one or more provisions governing the preparation or licensing of educators.

Title 5 Sections 80121, 80124 and 80125 are proposed to be amended due to significant changes in the method the Commission processes credential waivers. Credential waivers are an employment option available to employing agencies when there is a shortage of credentialed personnel. The Commission has had the responsibility for granting credential waivers since July 1994. When the Commission assumed this responsibility, the Appeals and Waivers Committee of the Commission reviewed and made recommendations to the Commission as a whole on credential waiver requests. Due to the significant reduction in the volume of cre-

dential waivers, the Commission determined it no longer needed to take action on waiver requests. As a result, the review and approval process of the Appeals and Waivers Committee and full Commission was eliminated; thus allowing staff the authority to issue credential waivers.

The change proposed to section 80121 would remove the option of an "individual" from having the authority to apply for a waiver. The proposed amendment to section 80124 would delete the Plan to Develop Fully Qualified Educators as an option to request a subsequent waiver. The two major proposed changes to section 80125 would establish a ninety (90) day submission timeframe for waivers and authorize Commission staff to review and determine the outcome of all waiver requests.

Section 80121

- *80121(c)(5)* When an employer has a shortage of credentialed personnel, the agency may request a Variable Term Waiver to meet its hiring needs. Staff is proposing that the term "individuals" be removed from this section because a request for a credential waiver is initiated by an employing agency on behalf of a specific individual.

Section 80124

- *80124(a)* The Plan to Develop Fully Qualified Educators is being removed because this option expired on January 4, 2004 per Title 5 Section 80026.4.

Section 80125

- *80125(a)* Staff is proposing the form Variable Term Waiver Request (form WV1 1/98) be removed to allow the Commission to develop a new form for the waiver process and allow for future revisions without having to go through the regulatory process.
- *80125(b)* A credential waiver is an option of last resort for employing agencies to employ or assign individuals who are not appropriately credentialed for a particular subject area, grade level or group of students. The Commission took action to allow staff the authority to issue waivers. It is proposed that the submission guidelines be modified to a ninety (90) day timeframe to align the evaluation and approval process to staff's authority to grant waivers. This change will expedite the waiver process and verify that those serving in an assignment on the basis of a credential waiver meet the minimum eligibility requirements within a reasonable amount of time.

- *80125(b)(1)* Staff is proposing that waiver requests that are not submitted within the revised ninety (90) day submission timeframe will be denied due to lateness. Individuals that serve on the basis of a credential waiver do not have the same level of experience and/or educational background of those who hold a credential, internship credential or emergency teaching permit. Timely submission and evaluation of the request is important to verify eligibility for the waiver document and prompt notification to all interested parties of the outcome of the waiver request.
- *80125(b)(2)* Staff is proposing a notification of denial for late submission of the waiver request will be mailed to all parties involved indicating the applicant must be removed from the assignment when a waiver is not submitted within the required ninety (90) day timeframe.
- *80125(c)* A credential waiver is not an option if the applicant qualifies for a credential or permit that authorizes the same service. Staff is proposing that waiver requests submitted within the ninety (90) day submission timeframe that demonstrate eligibility for a credential or permit, may be returned for the appropriate document.
- *80125(c)(1)* It is proposed that under staff's responsibility to evaluate and approve waivers, requests submitted within the established timeframes that demonstrate the waiver eligibility requirements will be issued. The waiver document will indicate the applicant's credential goal and the service appropriate to that credential.
- *80125(c)(2)* Staff is proposing that waiver requests that do not meet the eligibility requirements will result in the receipt of a denial notification by all interested parties.
- *80125(c)(2)(A)* Staff is proposing that denial notifications for ineligibility explain the reasons for denial and allow the employer the opportunity to resubmit the waiver packet with new information that was not originally submitted. If the employing agency does not resubmit the request the applicant must be removed from the assignment.
- *80125(c)(3)* Staff is proposing that waiver requests resubmitted for review within thirty (30) days of the denial notification will be re-evaluated. This allows the employing agency the opportunity to provide information that was not previously available to establish eligibility for the waiver document.

- *80125(c)(3)(A)* Staff proposes that waiver requests resubmitted within the thirty (30) day resubmission timeframe that demonstrate eligibility for a credential or permit may be returned for the appropriate document. A credential waiver is not an option if the applicant qualifies for a credential or permit that authorizes the same service.
- *80125(c)(3)(B)* Staff proposes that timely resubmissions that meet the waiver eligibility requirements will be issued. The waiver document will indicate the applicant's credential goal and the service appropriate to that credential.
- *80125(c)(3)(C)* Staff is proposing that timely resubmissions that do not meet the eligibility requirements will receive a final denial notification at which time the applicant must be removed from the assignment.
- *80125(c)(4)* Staff is proposing that waiver requests that are not resubmitted within the thirty (30) day resubmission timeframe will receive a final denial notification at which time the applicant must be removed from the assignment.

Documents Incorporated by Reference: None

Documents Relied Upon in Preparing Regulations: None

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

Other non-discretionary costs or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California [Govt. Code §11346.3(b)]: The Commission has made an assessment that the proposed amendments to the regulation would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not affect small businesses. The regulations are not mandatory but an option that affects school districts and county offices of education.

Consideration of Alternatives

The Commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

Contact Person/Further Information

General or substantive inquiries concerning the proposed action may be directed to Rhonda Brown by telephone at (916) 323-4714 or Rhonda Brown, Commission on Teacher Credentialing, 1900 Capitol Ave, Sacramento, CA 95814. General question inquiries may also be directed to Janet Bankovich at (916) 323-7140 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's web site at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

Availability of Statement of Reasons and Text of Proposed Regulations

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

Modification of Proposed Action

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be

made available for public comment for at least 15 days before they are adopted.

Availability of Final Statement of Reasons

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rule-making package, after the public hearing. When it is available, it will be placed on the Commission's web site at www.ctc.ca.gov or you may obtain a copy by contacting Rhonda Brown at (916) 323-4714.

Availability of Documents on the Internet

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's web site at www.ctc.ca.gov.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

NOTICE OF PROPOSED REGULATORY ACTION

Peace Officer Feasibility Study Requirements Regulation 1019 Replaced by Regulation 9020

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to delete Regulation 1019, **Feasibility Studies for Peace Officer Status/Designation Requests**, in Title 11, Division 2 of the California Code of Regulations (CCR). Regulation 1019 is being replaced with Regulation 9020, in Title 11, Division 9, and Chapter 2 of the CCR (a newly-assigned section in the CCR for reformatted Commission regulations).

The proposed changes are made pursuant to the authority vested by Penal Code § 13503 (Commission on POST powers), § 13506 (Commission on POST authority to adopt regulations), and § 13540 (Commission on POST authority to specify peace officer feasibility studies). Implementation of this proposal will interpret, implement, and make specific Penal Code § 13540 (peace officer feasibility study requirement), § 13541 (scope of study), and § 13542 (study results and recommendations).

Public Comments Due by April 23, 2007

The Commission requests written comments on the proposed actions. POST must receive the written comments no later than 5:00 p.m. on April 23, 2007. Please send written comments to Hal Snow, Interim Executive Director, at the Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, or by fax at 916.227.5271.

A public hearing is not scheduled. Pursuant to Government Code § 11346.8, any interested person, or his/her duly authorized representative, may request a pub-

lic hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

POST is incrementally improving Commission regulations and procedures by rewriting and reformatting the current regulations and procedures in a more clear, logical, and user-friendly style. The reformatting project fulfills Objective C-4 of the *POST Strategic Plan 2006 Moving in Bold Directions*.

The proposed changes are a reformatting of current Regulation 1019, which becomes Regulation 9020, Peace Officer Feasibility Study Requirements, in Chapter 2 of the POST Administrative Manual. Currently, Commission Regulation 1019 addresses the process of requesting a peace officer feasibility study, the scope, and cost of the study, the time limits for completing the study, and the process for appeal of the study findings. The proposed changes do not add any new requirements, but provide greater clarity, consistency, and make the regulations more user-friendly. In addition, proposed amendments delete the text currently adopted in Regulation subsection 1019(g), as the related legislation was repealed by its own terms effective January 1, 2002.

Adoption of Proposed Regulations

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, it will make available the text of any modified language, clearly indicated, at least 15 days before adoption to all persons whose comments POST received during the public comment period and to all persons who request notification from POST of the availability of such changes. Please address requests for the modified text to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text becomes available.

Text of Proposal, Rulemaking File, and Internet Access

The following information regarding the proposed regulatory action is available on the POST website at <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>:

- POST Bulletin and Notice of Proposed Regulatory Action

- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Individuals without Internet access may request a copy of the above documents by calling 916.227.4847, or by submitting a written request to the contact person listed below. Please refer to POST Bulletin 2007–04. The rulemaking file, which contains the above–mentioned documents and all information upon which POST is basing this proposal, will be available for inspection during the Commission’s normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. To request a copy, contact POST at the above telephone number, write to the address under Contact Persons at the end of this notice, or view the document on the POST Internet website at the address cited above.

Estimate of Economic Impact

- Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- Non–Discretionary Costs/Savings to Local Agencies: None
- Local Mandate: None
- Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None
- Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.
- Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect of Proposal on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the

proposed regulation would not affect housing costs.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

Contact Persons

Please direct inquiries or comments about this proposed regulatory action to Anna DelPorto, at Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA, 95816–7083, by telephone at 916.227.7083, by FAX at 916.227.5271, or by email at Anna.DelPorto@post.ca.gov. The back–up contact person is Patricia Cassidy; Patricia is available by telephone at 916.227.4847, or by email at Patti.Cassidy@post.ca.gov.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

NOTICE OF PROPOSED REGULATORY ACTION

Commission Regulation 9072

Intermediate and Advanced Certificates for Public Safety Dispatchers

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Penal Code § 13503 (Commission on POST powers), §13506 (Commission on POST authority to adopt regulations), §13510.c (Commission on POST authority to establish minimum standards for dispatchers to raise the level of competence). Implementation of this proposal will interpret, implement, and make specific Penal Code §13503(e) (Commission on POST authority to develop and implement programs to increase the effectiveness of law enforcement), PC § 13506 (adopt regulations), and § 13510.c (Commission on POST authority to establish minimum standards for dispatchers to raise the level of competence).

Public Comments Due by April 23, 2007

The Commission requests written comments on the proposed actions. POST must receive the written comments no later than 5:00 p.m. on April 23, 2007. Please send written comments to Hal Snow, Interim Executive Director, at the Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, or by fax at 916.227.5271.

A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Though POST currently issues 21 professional certificates to peace officers based on levels of education, training, and experience in their pursuit of professional excellence, there is only one certificate for dispatchers, the Public Safety Dispatcher Certificate. In 2004, POST Strategic Plan Objective C-1 was added which directs POST staff to “study the feasibility of providing intermediate and advanced professional certificates for dispatchers.” POST staff convened a meeting of dispatcher subject matter experts (SMEs) in June 2006 to discuss the idea of establishing additional certificates for dispatchers — specifically intermediate and advanced certificates. The group was in overwhelming agreement that intermediate and advanced certificates would help establish a career ladder for those dispatchers who have pursued higher education, training opportunities, and greater experience levels. POST staff and the dispatcher subject matter experts concluded that the addition of two dispatcher certificates would help encourage dispatcher retention, promote professionalism, and provide promotional opportunities. The SME group developed a comprehensive list of arguments in favor of establishing intermediate and advanced dispatcher certificates, and the impact they would have on the profession.

The list follows:

1. There is a need to bring up the knowledge/skill base for dispatchers. Professional certificates would provide the incentive and encouragement for dispatchers to become better educated and trained.
2. Liability issues — better training and more education lessens liability.
3. It establishes educational and training goals.
4. Opportunities for advancement — builds a career ladder.

5. Promotion will require succession-planning training with agency.
6. Higher certificates may enhance the recruitment of dispatchers.
7. May encourage lateral transfers.
8. Promotes individual professional development.
9. Will encourage use of civilian’s dispatchers rather than peace officers being dispatchers.
10. Encourages learning new technology/new trends in the industry.
11. Making the criteria a combination of the education, training, and experience categories established for peace officer certificates gives credibility to the profession.
12. Recognizes career development and advancement.

In addition to the reasons cited above that favor the creation of the two new dispatcher certificates, the SME group observed some possible adverse impacts. They are the following:

1. Additional paperwork for the agency and for POST.
2. Additional time for processing certificates — man power/revisions/forms.
3. Labor issues — bargaining chip for individuals to leave agency for better pay.
4. Availability and time for additional training — shortage of staff and overtime costs.

The SME group concluded that the advantages in favor of the proposed new certificates far outweigh the disadvantages. Given the importance of well-trained dispatchers in their mission to support officers in the field, sometimes through life and death situations, the issuance of intermediate and advanced certificates is overdue.

The SME group also discussed the levels of education, training, and experience necessary for the award of each certificate. Using the regular peace officer certificate requirements as a guide, the group kept the same categories of “degree or education points,” “experience,” and “training points.” They then developed recommended experience and training point requirements and reviewed various matrices for each new certificate. The group believes a dispatcher needs more experience in order to be eligible for the certificate, but it recognized that not as much training is available or required. The agreed-upon eligibility requirements are reflected in new regulation sections 9072(d) and (e).

POST proposes amendments to the POST *Administrative Manual* (PAM), Chapter 7, Section 9072, et seq. The proposed amendments would rename the POST Dispatcher Certificate to the Dispatcher Basic Certificate, create a Dispatcher Intermediate Certificate and a Dispatcher Advanced Certificate, and revise the Certif-

icate Application–Public Safety Dispatcher (POST 2–289) form. The Commission approved the proposed amendments in concept at its October 2006 meeting, and the strike out/underline text at its January 2007 meeting. The Commission took favorable action at both meetings.

It is unknown how many of the approximate 6,600 public safety dispatchers will meet the requirements for the new certificates; the outcome depends on educational and training attainments. Local agency training managers would have to track educational attainments, training attainments, and service dates for their dispatchers for them to earn these respective certificates. Though the approximate 6,600 dispatchers in the POST program could generate workload for more than 13,000 certificates, actual requests should be significantly less than this amount. POST estimates that it will spread the workload over many months.

Adoption of Proposed Regulations

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, it will make available the text of any modified language, clearly indicated, at least 15 days before adoption to all persons whose comments POST received during the public comment period and to all persons who request notification from POST of the availability of such changes. Please address requests for the modified text to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text becomes available.

Text of Proposal, Rulemaking File, and Internet Access

The following information regarding the proposed regulatory action is available on the POST website at <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>:

- POST bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Individuals without Internet access may request a copy of the above documents by calling 916.227.4847, or by submitting a written request to the contact person listed below. Please refer to POST Bulletin 2007–06. The rulemaking file, which contains the above–mentioned documents and all information upon which POST is basing this proposal, will be available for in-

spection during the Commission’s normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. To request a copy, contact POST at the above telephone number, write to the address under Contact Persons at the end of this notice, or view the document on the POST Internet website at the address cited above.

Estimate of Economic Impact

- Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- Non–Discretionary Costs/Savings to Local Agencies: None
- Local Mandate: None
- Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None
- Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.
- Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect of Proposal on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would not affect housing costs.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California, and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective

in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

Contact Persons

Please direct inquiries about this proposed regulatory action to Patricia Cassidy, at Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Patti.Cassidy@post.ca.gov, by telephone at 916.227.4847, or by FAX at 916.227.5271. Tom Liddicoat is the back-up contact person for this proposal; Tom is available by telephone at 916.227.3928, or by email at Tom.Liddicoat@post.ca.gov.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend Regulation 1010, **Participation in the POST Program**, in Title 11, Division 2 of the California Code of Regulations (CCR). Regulation 1010 is being replaced with Regulation 9030, POST Program Participation, and 9031, POST Public Safety Dispatcher Program Participation, in Title 11, Division 9, Chapter 3 of the CCR (a newly-assigned section of the CCR for re-formatted Commission regulations).

The proposed changes are made pursuant to the authority vested by Penal Code §13503 (Commission on POST powers) and §13506 (Commission on POST authority to adopt regulations). Implementation of this proposal will interpret, implement, and make specific Penal Code §13503(c)-(g) (secure cooperation and carry out duties and responsibilities), and §13520, §13521, §13522, §13523, §13524, §13525, §13526, §13526.1, and §13526.2 (application requirements and aid to local governments).

Public Comments Due by April 23, 2007

The Commission requests written comments on the proposed actions. POST must receive the written comments no later than 5:00 p.m. on April 23, 2007. Please send written comments to Hal Snow, Interim Executive Director, at the Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, or by fax at 916.227.5271.

A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

POST is incrementally improving Commission regulations and procedures through rewriting and reformatting the current regulations and procedures in a more clear, logical, and user-friendly style. The reformatting project fulfills Objective C-4 of the *POST Strategic Plan 2006 Moving in Bold Directions*.

The proposed changes are a reformatting of current Regulation 1010, which becomes two regulations — Regulation 9030 POST Program Participation, and 9031 POST Public Safety Dispatcher Program Participation. Currently, Commission Regulation 1010 addresses the program participation requirements for agencies who wish to participate for services and benefits for their peace officers and their dispatchers. The proposed changes separate these requirements into two separate programs and two separate regulations. Minor changes will improve the clarity, consistency, and accuracy of referenced sections. These changes have no impact on participating departments.

Adoption of Proposed Regulations

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, it will make available the text of any modified language, clearly indicated, at least 15 days before adoption to all persons whose comments POST received during the public comment period and to all persons who request notification from POST of the availability of such changes. Please address requests for the modified text to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text becomes available.

Text of Proposal, Rulemaking File, and Internet Access

The following information regarding the proposed regulatory action is available on the POST website at <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>:

- POST bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Individuals without Internet access may request a copy of the above documents by calling 916.227.4847, or by submitting a written request to the contact person listed below. Please refer to POST Bulletin 2007-05.

The rulemaking file, which contains the above-mentioned documents and all information upon which POST is basing this proposal, will be available for inspection during the Commission's normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. To request a copy, contact POST at the above telephone number, write to the address under Contact Persons at the end of this notice, or view the document on the POST Internet website at the address cited above.

Estimate of Economic Impact

- Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- Non-Discretionary Costs/Savings to Local Agencies: None
- Local Mandate: None
- Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None
- Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.
- Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect of Proposal on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would not affect housing costs.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of exist-

ing businesses or create or expand businesses in the State of California.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

Contact Persons

Please direct inquiries or comments about this proposed regulatory action to Anna DelPorto, at Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, by telephone at 916.227.7083, by FAX at 916.227.5271, or by email at Anna.DelPorto@post.ca.gov. The back-up contact person is Patricia Cassidy; Patricia is available by telephone at 916.227.4847, or by email at Patti.Cassidy@post.ca.gov.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF PROPOSED REGULATIONS

California Code of Regulations Title 15, Crime Prevention and Corrections Department of Corrections and Rehabilitation

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to adopt and amend Sections 3030, 3050, 3268.2, 3355, 3355.1, and 3355.2 in the California Code of Regulations (CCR), Title 15 concerning the care and treatment of pregnant inmates in adult institutions.

PUBLIC HEARING

Date and Time:	May 3, 2007 — 9:00 am to 10:00 am
Place:	Corrections Standards Authority Large Conference Room 660 Bercut Drive, West Entrance Sacramento, CA 95814
Purpose:	To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close, May 3, 2007, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 341-7366; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 341-7390**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**Randy Marshall
Regulation and Policy Management Branch
Telephone (916) 341-7390**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Wendy Still
Female Offender Services and Programs
Telephone (916) 322-8055**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *The fiscal impact of the dental services will be funded by the approved FY 2006/07 Finance Letter, "Inmate Dental Services Program." Remaining services require no additional funding.*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

**AVAILABILITY OF PROPOSED TEXT AND
INITIAL STATEMENT OF REASONS**

The Department has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

**AVAILABILITY OF CHANGES
TO PROPOSED TEXT**

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein

are vested in the Director. Commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

- This action amends and adopts provisions governing the care and treatment of pregnant inmates in adult institutions within the California Department of Corrections and Rehabilitation (Department). California Code of Regulations, Sections are being amended as a result of the passage of Assembly Bill (AB) 478 (Chapter 608, Statutes of 2005), which changed provisions of the Penal Code and the Welfare and Institutions Code relating to adult inmates and juvenile wards who give birth while under the jurisdiction of the Department.
- These proposed amendments are necessary in order to ensure that the safety and medical concerns of pregnant inmates and their unborn children are met during pregnancy and delivery.
- These regulations will update current language relating to pregnant inmates and the issuance of state clothing, regular meals, use of mechanical restraints, and health and dental examinations. In addition, new language is provided governing pregnant inmate health care, dental care, nutrition, education, childbirth, and community treatment programs.
- Changes for enhanced clarity, including department name change due to the reorganization, and changes in punctuation are also made to meet departmental standards.

**TITLE 15. DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

**NOTICE OF ADOPTION OF EMERGENCY
REGULATIONS**

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5, Penal Code (PC) Section 5058, and the rulemaking authority granted by

PC Section 5058.3, in order to implement, interpret and make specific PC Section 5054, proposes to adopt and amend Sections 3000, 3315, 3323, and 3341.5 of the California Code of Regulations (CCR), Title 15 concerning inmate indecent exposure.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

PUBLIC HEARING

Date and Time: May 1, 2007 — 9:00 am to 10:00 am
Place: Corrections Standards Authority
Large Conference Room — West Entrance
660 Bercut Drive
Sacramento, CA 95814
Purpose: To receive comments about this action.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency:
FY 06/07 \$70,413
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

PUBLIC COMMENT PERIOD

The public comment period will close, May 1, 2007 at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 341-7366; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 341-7390

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Ann Cunningham
Regulation and Policy Management Branch
Telephone (916) 341-7390

Questions regarding the substance of the proposed regulatory action should be directed to:

Nancy L. Hardy, Associate Warden
High Security and Transitional Housing
Division of Adult Operations
Telephone: (916) 327-5034

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no affect on the creation of new, or

the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modi-

fied regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5054 provides that the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the director. Commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to Government Code Section 11340.

- This action amends and adopts provisions governing the inmate indecent exposure within the California Department of Corrections and Rehabilitation (CDCR). This language is being amended as a result of a Court decision in the case of *Freitag vs. California Department of Corrections and Rehabilitation*, Case No. CV-00-02278-TEH, U.S. Court of Appeals for the Ninth Circuit. The original Indecent Exposure Program was implemented through a 24-month Pilot Program at Pelican Bay State Prison by Order Granting Injunctive Relief, U. S. Northern District Court Citation No. C00-2278-TEH (EDL). Judge Henderson, has stressed that a statewide rollout of the Program must be implemented immediately in order to reduce inmate sexual misconduct incidents at all institutions in the State.
- The purpose of the program is to encourage acceptable behavior among inmates and to provide a work environment in which staff is not subject to a sexually hostile work environment because of inmate sexual misconduct. This pilot program is designed to discourage inmates from engaging in Indecent Exposure and Sexual Disorderly Conduct.
- The CDCR has identified a need to promote compliance with regulations and policies among inmates that commit Indecent Exposure and Sexual Disorderly Conduct violations. When an

inmate deliberately exposes their person, or the private parts thereof, including genitals, buttocks, or breasts to a staff member or inappropriately touches himself under circumstances likely to cause affront, there is a legal mandate requiring a prompt and effective remedial action be taken on the part of CDCR.

- This Plan for the Management of Indecent Exposure and Sexual Disorderly Conduct Incidents will require that inmates found guilty of committing an Indecent Exposure or Sexual Disorderly Conduct offense would be subject to credit and privilege losses including canteen, appliances, and annual and/or quarterly package restrictions in excess of those currently provided for in the CCR, Title 15, Crime Prevention and Corrections. Additionally, inmates found guilty of committing Indecent Exposure or Sexual Disorderly Conduct offenses may also be subject to the assessment of an "R" suffix at the discretion of the classification committee and retention in the Security Housing Unit (SHU).
- Inmates who engage in acts of Indecent Exposure or Sexual Disorderly Conduct will be subjected to Security Measures that are designed to decrease the opportunity for the inmate to repeat the behavior and/or minimize the impact that the behavior has on prison staff. Security Measures are tools used by staff for a determinate period to identify, prevent, and curtail the threatening behavior. There are two kinds of Security Measures, Precautions and Restrictions. Security Precautions are not used as a punishment and should not be confused with disciplinary restrictions. Security Restrictions are applied as a result of a disciplinary action where inmates are afforded due process.

TITLE 16. BOARD OF OPTOMETRY

NOTICE IS HEREBY GIVEN that the Board of Optometry (hereafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the Board of Optometry not later than 5:00 p.m. on April 23, 2007.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the Board. The request must be received at the Board office no later than 5:00 p.m. on April 8, 2007.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text with the exception of technical or grammatical changes. The full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 3025, 3044, 3045 and 3057 of the Business and Professions Code, and to implement, interpret or make specific Sections 3044, 3045 and 3057 of said Code, the Board is considering changes to Division 15 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt subsection (h) of section 1523.

On September 18, 2006, Senate Bill 579 was signed into law which allows the Board of Optometry to issue a license to practice optometry to an out of state licensed optometrist who meets the requirements contained in the bill. One such requirement is that the person requesting licensure must do so on an application approved by the Board. This regulation would specify the requisite forms necessary to apply for licensure as an out of state licensed optometrist.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Cost/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Board of Optometry has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

The Board of Optometry has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board of Optometry is not aware of any additional cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The proposed regulations would not affect small businesses because the regulations only pertain to out of state licensees.

CONSIDERATION OF ALTERNATIVES

The Board of Optometry must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this notice.

Any interested person may present written statements relevant to the above determinations to the Board of Optometry at the above-mentioned address.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Optometry at 2420 Del Paso Road, Suite 255, Sacramento, California 95834, or from the Board of Optometry web-site (www.optometry.ca.gov).

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web-site listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be Addressed to:

Name: Gary Randolph
Address: 2420 Del Paso Road, Suite 255
Sacramento, CA 95834
Telephone Number: (916) 575-7170
Fax Number: (916) 575-7292
E-mail Address: gary_randolph@dca.ca.gov

The backup contact person is:

Name: Taryn Smith
Address: 2420 Del Paso Road, Suite 255
Sacramento, CA 95834
Telephone Number: (916) 575-7170
Fax Number: (916) 575-7292
E-mail Address: taryn_smith@dca.ca.gov

Web site Access: Materials and information regarding this proposal can be found at www.optometry.ca.gov.

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF THE PROPOSED AIRBORNE TOXIC CONTROL MEASURE TO REDUCE FORMALDEHYDE EMISSIONS FROM COMPOSITE WOOD PRODUCTS

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of the Proposed Airborne Toxic Control Measure (ATCM) to Reduce Formaldehyde Emissions from Composite Wood Products. The proposed ATCM would reduce the public's current exposure to formaldehyde by reducing emissions from hardwood plywood (HWPW), particleboard (PB) and medium density fiberboard (MDF) panels. The ATCM would also apply to finished goods made with these materials.

DATE: April 26, 2007
 TIME: 9:00 a.m.
 PLACE: California Environmental Protection
 Agency
 Air Resources Board
 Byron Sher Auditorium, Second Floor
 1001 I Street
 Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m. on April 26, 2007, and may continue to 8:30 a.m., April 27, 2007. Please consult the agenda for the meeting, which will be available at least ten days before April 26, 2007, to determine the day on which this item will be considered.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette, or computer disk. Please contact ARB's Disability Coordinator at (916) 323-4916 by voice or through the California Relay Services at 711, to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact ARB's Bilingual Manager at (916) 323-7053.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of new sections 93120 and 93120.1 to 93120.12, title 17, California Code of Regulations.

Background: In 1992, the Board identified formaldehyde as a Toxic Air Contaminant (TAC). Formaldehyde was determined to be a human carcinogen with no known safe level of exposure. Following the identification of a substance as a TAC, Health and Safety Code (HSC) section 39665 requires the ARB, with participation of the local air pollution control and air quality management districts (air districts), and in consultation with affected sources and interested parties, to prepare a report on the need and appropriate degree of regulation for that substance. HSC section 39666(b) requires that this "needs assessment" address, among other things, the technological feasibility of proposed airborne toxic control measures (ATCMs) and the availability, suitability, and relative efficacy of substitute products or processes of a less hazardous nature. ARB staff has prepared an Initial Statement of Reasons (ISOR) for the proposed ATCM that serves as the report on the need and appropriate degree of regulation for the ATCM. Once the ARB has evaluated the need and appropriate degree of regulation for a TAC, HSC section 39666 requires the ARB to adopt regulations (ATCMs) to reduce emissions of the TAC to the lowest level achievable

through the application of best available control technology (BACT) or a more effective control method, in consideration of cost, risk, environmental impacts, and other specified factors.

After the identification of formaldehyde in 1992, the Board promulgated a series of increasingly stringent exhaust emission standards for motor vehicles to limit hydrocarbon emissions, which include formaldehyde. While these actions have reduced formaldehyde emissions from mobile sources, the proposed ATCM would be the first action to specifically reduce formaldehyde emissions from an area source. Of the TACs posing the greatest public health risk to Californians, exposure to formaldehyde in the ambient (i.e., outside) air ranks third behind diesel particulate matter and benzene, both highly potent TACs from motor vehicle exhaust.

Presently, ambient formaldehyde concentrations are measured at 17 sites across the State in the Board's Air Toxics Monitoring Network. For the past ten years, statewide average formaldehyde concentrations have ranged from 3.3 to 4.3 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). Exposure to formaldehyde at these concentrations poses both cancer and non-cancer health risks to Californians. In addition, numerous studies indicate that formaldehyde concentrations indoors and inside motor vehicles are often higher than in the ambient air, due to emissions occurring in confined spaces with reduced rates of ventilation. For example, in-vehicle and indoor formaldehyde concentrations have been reported to be two to three times higher and four to ten times higher, respectively, than annual average outdoor formaldehyde concentrations in California.

For composite wood products produced for California in 2002, staff estimated formaldehyde emissions to be about 900 tons. Emissions occur as unbound formaldehyde from the resin used to manufacture composite wood products escape from the interior of the panels and as existing chemical bonds degrade over time. These products emit during product distribution to downstream customers, when used by fabricators to build finished goods or products, and ultimately after being purchased by consumers. While studies indicate that formaldehyde emissions from HWPW, PB, and MDF are highest in the first few months after manufacture, formaldehyde emissions continue to occur at lower levels for several years thereafter. Since the majority of the composite wood products sold in California are mainly used for interior applications, the main portion of people's exposure to formaldehyde occurs indoors, where formaldehyde concentrations are four to ten times higher than outdoor air. Formaldehyde emitted indoors will enter the outside air through normal air exchange and outdoor "hotspots" may be created near areas where significant amounts of composite wood products are found. Although formaldehyde emissions

from composite wood products constitute less than 5% of estimated annual statewide formaldehyde emissions, these emissions pose a far greater health risk than those directly emitted by all other sources combined.

There are federal regulations governing the allowable formaldehyde emissions from particleboard and hardwood plywood when installed in manufactured homes; these regulations are discussed in this notice under the heading “Comparable Federal Regulations.”

Description of the Proposed Regulatory Action:

The proposed ATCM would reduce formaldehyde emissions from hardwood plywood (HWPW), particleboard (PB), medium density fiberboard (MDF), and finished goods or products containing these materials. This would be achieved by requiring manufacturers to meet new, stringent formaldehyde emission standards for HWPW, PB and MDF that is sold, offered for sale, supplied, or manufactured for use in California.

The proposed ATCM applies not only to manufacturers, but also to distributors, importers, fabricators, and retailers that sell, offer for sale, or supply HWPW, PB and MDF panels, or finished goods or products containing those materials, for use in California. The ATCM does not apply to panels or finished goods that are manufactured or sold for shipment and used outside of California. The ATCM also does not apply to hardwood plywood and particleboard materials when installed in manufactured homes and subject to the United States Housing and Urban Development regulations.

Beginning January 1, 2009, new “Phase 1” formaldehyde emission standards would take effect for HWPW, PB and MDF. More stringent “Phase 2” emission standards for HWPW, PB and MDF would be phased in between 2011 and 2012.

Manufacturers of composite wood products are required to demonstrate compliance with the new emission standards by being certified by an independent party known as a “third party certifier.” Third party certifiers would be approved by ARB and would follow specified requirements to verify that manufacturers’ production meets the applicable emission standards. Manufacturers would also be required to label their HWPW, PB and MDF panels to identify them as meeting either the Phase 1 or Phase 2 emission standards. Recordkeeping requirements are also imposed on manufacturers to document that they are complying with regulatory requirements.

Distributors, importers, fabricators, and retailers would be required to purchase and sell panels and finished goods that comply with the applicable emission standards. They would also be required to take reasonable prudent precautions (such as communicating with their suppliers) to ensure that the products they purchase are in compliance with the applicable standards. In addition, distributors and importers must keep re-

cords showing the date of purchase and the supplier of the products, and document what precautions were taken to ensure that the products comply with the applicable standards. In addition, fabricators would be required to label their finished goods or products to denote that they comply with the applicable Phase 1 or Phase 2 emission standard, if the products contain HWPW, PB, or MDF and will be sold, offered for sale, or supplied for use in California.

The proposed ATCM contains “sell-through” provisions that allow noncomplying products manufactured before the effective dates of the Phase 1 and Phase 2 emission standards to be sold for certain specified time periods after these effective dates. Differing sell-through periods apply depending on whether the product is sold by a manufacturer, distributor, importer, fabricator, or retailer.

Finally, the proposed ATCM specifies test methods for determining whether panels and finished goods or products meet the applicable emission standards.

COMPARABLE FEDERAL REGULATIONS

The U.S. Department of Housing and Urban Development (HUD) has promulgated formaldehyde emission limits for particleboard and plywood installed in manufactured homes used as dwellings units (24 Code of Federal Regulations §3280.1 et seq., 3280.308). Federal law generally preempts State and local regulations regarding construction and safety standards for manufactured homes, such as the formaldehyde standards specified in the HUD regulations (see 42 U.S.C.A. section 94503(d)). To comply with federal law, the proposed ATCM exempts products covered by the HUD regulations. The HUD regulations do not apply to plywood and particleboard used in applications other than manufactured homes, nor finished products made with these materials.

The U.S. Environmental Protection Agency has also promulgated a National Emission Standard for Hazardous Air Pollutants (NESHAP): Plywood and Composite Wood Products, which imposes emission limits on plywood and composite wood products manufacturing facilities (Title 40, CFR, Chapter I, Subchapter C, Part 63, Subpart DDDD; section 63.2230 et seq.). This NESHAP applies to emissions of hazardous air pollutants from manufacturing facilities, and not emissions from composite wood products covered by the proposed regulation.

**AVAILABILITY OF DOCUMENTS AND
AGENCY CONTACT PERSONS**

The ARB staff has prepared an “Initial Statement of Reasons for the Proposed Airborne Toxic Control Mea-

sure for Formaldehyde Emissions from Composite Wood Products” (Staff Report) for the proposed regulatory action, which includes a summary of the potential environmental and economic impacts of the proposal.

Copies of the Staff Report and full text of the proposed regulatory language may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990 at least 45 days prior to the April 26, 2007, hearing. The Staff Report is also available on the internet at the website listed below, or by contacting the staff listed below.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the website listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Jim Aguila, Manager of the Substance Evaluation Section, at (916) 322-8283 or by email at jaguila@arb.ca.gov, or Brent Takemoto, Staff Air Pollution Specialist, at (916) 327-5615 or by email at btakemot@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Alexa Malik, Regulations Coordinator, Board Administration & Regulatory Coordination Unit, (916) 322-4011, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the Staff Report, and all subsequent regulatory documents, including the Final Statement of Reasons, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/2007/compwood07/compwood07.htm.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board’s Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below and in specific detail in the Staff Report.

Except as discussed below, the ARB Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(5) and 11346.5(a)(6), to any state agency or in federal funding to the state, costs

or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary savings to state or local agencies.

The proposed regulatory action will impose a mandate upon and create costs for local air districts. Under State law, air districts are required to implement and enforce ATCMs which are adopted by the ARB, or adopt and enforce their own rules that are at least as stringent. However, such administrative costs to the air districts are recoverable by fees that are within the air districts’ authority to assess (see Health and Safety Code sections 42311 and 40510). Therefore, the Executive Officer has determined that the proposed regulatory action imposes no costs on local agencies that are required to be reimbursed by the State pursuant to part 7 (commencing with section 17500), Division 4, title 2 of the Government Code, and does not impose a mandate on local agencies that is required to be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution.

The proposed regulatory action will also impose a mandate upon and create costs for one State agency: the California Prison Industries Authority (PIA). The PIA is a major fabricator of industrial and office furniture with a projected 2006–2007 fiscal year manufacturing revenue exceeding \$100 million. As a fabricator of composite wood finished products, the PIA will be required to comply with the recordkeeping and labeling requirements of the ATCM. The California PIA would also pay more for the composite wood products used to make furniture, as described below.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The Executive Officer has initially determined that there will be a cost impact on private persons or businesses directly affected as a result of the proposed regulatory action. As explained below, the proposed amendments will have a cost impacts on individual businesses who supply the California market with composite wood products, but the overall statewide impacts are not expected to be significant.

Presently, there are over 65 domestic hardwood plywood, particleboard, and medium density fiberboard manufacturers in the United States. These manufacturers produce some of the composite wood products (and finished goods made from these materials) sold in California, and the remainder is produced by foreign manufacturers—primarily manufacturers located in China, Canada and South America. To meet Phase 1 standards, manufacturing production costs will increase by 5% on average due to the need for increased process control and slightly reformulated resin systems.

This translates to an increase of \$1 to \$2 for each standard 4' x 8' panel of particleboard, hardwood plywood or medium density fiberboard, which may now typically cost \$12, \$40, or \$15, respectively.

To meet the proposed Phase 2 emission standards, most manufacturers will need to gain further process control and utilize further reformulated, very low formaldehyde-emitting, resin systems. For hardwood plywood in particular, one manufacturer currently supplies 40 percent of the California demand with a soy-resin based plywood that already meets the proposed Phase 2 emission standards. The product is being offered at a cost neutral basis relative to today's market. The rest of the California hardwood plywood demand is currently met by manufacturers that would need to upgrade their production capability to meet the Phase 2 standards. These upgrades are estimated to increase the cost of production by 15 percent, or by about \$6 per 4' x 8' panel. Since manufacturing of particleboard and medium density fiberboard (including thin medium density fiberboard) is more complex, the estimated increase in production cost would be approximately 30 percent and 40 percent, respectively. This translates to increases of about \$3 to \$6 per standard 4' x 8' panel of particleboard or medium density fiberboard.

The increased cost of composite wood products would have an effect on new home construction costs. Staff estimates that for a home with a typical retail price of \$400,000, the price increase will be less than 1 percent. The ATCM is also estimated to increase the price of finished goods by 5 to 10 percent.

For downstream customers such as distributors, importers, fabricators and retailers of panels and finished goods, the cost for these materials would be higher and they would be required to comply with certain regulatory recordkeeping requirements. However, such costs should not be significant.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant adverse statewide economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has initially determined that the proposed ATCM should have minimal impacts on the creation or elimination of jobs within the State of California, minimal impacts on the creation of new businesses and the elimination of existing businesses within the State of California, and minimal impacts on the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will affect small businesses.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the proposed reporting requirements of the ATCM which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, April 25, 2007**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

The Board requests but does not require 30 copies of any written statement be submitted and that all written statements be filed at least ten days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted to the ARB in Health and Safety Code sections 39600, 39601, 39650, 39658, 39659, 39666, 41511 and 41712. This action is proposed to implement, interpret, or make specific Health and Safety Code sections 39650, 39658, 39659, 39666, 41511 and 41712.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.

TITLE 20. CALIFORNIA ENERGY COMMISSION

NOTICE OF PROPOSED ACTION

FOR ADOPTION OF REGULATIONS ESTABLISHING AND IMPLEMENTING A GREENHOUSE GASES EMISSION PERFORMANCE STANDARD FOR LOCAL PUBLICLY OWNED ELECTRIC UTILITIES

California Energy Commission
Docket No. 06-OIR-1
February 2007

The California Energy Commission ("Commission") proposes to adopt new regulations establishing a greenhouse gases emission performance standard for baseload generation powerplants and a process for calculating the emissions of greenhouse gases from baseload powerplants and enforcing the standard. The proposed actions are taken under the authority of sections 25213 and 25218(e) of the Public Resources Code. These regulations would implement, interpret, and make specific several provisions of Public Utilities Code section 8341.

NOTICE THAT A PUBLIC HEARING IS SCHEDULED

The date set for the adoption of regulations at a public hearing is as follows:

Commission Business Meeting
April 25, 2007
Beginning 10:00 a.m.
California Energy Commission
Hearing Room A
1516 9th Street
Sacramento, CA 95814

Hearing Room A is wheelchair-accessible.

ORAL AND WRITTEN STATEMENTS

Interested persons may present oral and written statements, arguments, or contentions regarding the proposed regulations at the hearing, or may submit written comments to the Commission for consideration on or prior to April 25, 2007 by mailing them to:

Docket Unit
California Energy Commission
Docket No. 06-OIR-1
1516 9th Street, MS-4
Sacramento, CA 95814

Or e-mailing them to: DOCKET@energy.state.ca.us
Or faxing them to Dockets at (916) 654-4354

COPIES OF THE INITIAL STATEMENT OF REASONS AND THE TEXT

The Commission has prepared an initial statement of reasons for the proposed regulations. To obtain a copy of the initial statement of reasons or the express terms of the proposed regulations, please visit the Commission's website at: <http://www.energy.ca.gov/ghgstandards/index.html> or contact Gary Collord at (916) 651-9006 or by e-mail at [Gcollord@energy.state.ca.us]. Additionally, the Commission has available all the information upon which the proposed regulations are based; to obtain copies, please contact the Docket Office at the above address or by calling (916) 654-5076.

INTERNET ACCESS

The Commission maintains a website in order to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the Commission for this rulemaking, including this Notice of Proposed Action, the Express Terms, the Initial Statement of Reasons, and the Economic and Fiscal Impact Statements, as well as many

other documents in the rulemaking file have been posted at: <http://www.energy.ca.gov/ghgstandards/index.html>.

COPY OF THE FINAL STATEMENT OF REASONS

At the conclusion of the rulemaking, persons may obtain a copy of the final statement of reasons once it has been prepared by visiting the Commission's website at: <http://www.energy.ca.gov/ghgstandards/index.html> or contacting Gary Collord at (916) 651-9006 or by e-mail at [Gcollord@energy.state.ca.us].

POSSIBLE CHANGES

Participants should be aware that any of the proposed regulations could be substantively changed as a result of public comment, staff recommendation, or recommendations from Commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the Commission considers changes to the proposed regulations pursuant to Government Code section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the Commission adopts or amends the resulting regulations.

PUBLIC ADVISER

The Commission's Public Adviser's Office is available to assist any person who wishes to participate in this proceeding. For assistance from the Public Adviser's Office, please call (916) 654-4489 or toll-free in California at (800) 822-6228 or contact pao@energy.state.ca.us.

CONTACT PERSONS

Inquiries concerning all aspects of the rulemaking process, including the substance of the proposed regulations, should be directed to Lisa DeCarlo, Senior Staff Counsel, at (916) 654-5195 or by e-mail at [ldecarlo@energy.state.ca.us]. Ms. DeCarlo's designated backup contact person is Jonathan Blees, who can be reached at (916) 654-3953.

INFORMATIVE DIGEST

In September, 2006, SB 1368 (Stats. 2006, ch. 598) was enacted requiring the California Energy Commis-

sion, in consultation with the California Public Utilities Commission (CPUC) and the California Air Resources Board (CARB), to establish a greenhouse gases emission performance standard and implementing regulations for all long-term financial commitments in baseload generation made by local publicly-owned electric utilities. The legislation directs the Energy Commission to establish the performance standard as one not exceeding the rate of greenhouse gases emitted per megawatt-hour associated with combined-cycle, gas turbine baseload generation. Among other things, the implementing regulations are required to include a greenhouse gases emission performance standard and an output-based methodology for calculating and enforcing the emission performance standard.

AB 32 (Stats. 2006, ch. 488) requires CARB to adopt a greenhouse gas emissions cap on all major sources in order to reduce statewide emissions of greenhouse gases to 1990 levels. Additionally, federal regulation of emissions of greenhouse gases is likely. As a result, the electricity sector in the near future will likely have to either reduce its emissions of greenhouse gases or pay for the right to emit. Thus, there are financial risks associated with long term investments in powerplants with high greenhouse gas emissions. The broad objectives of these regulations are to internalize the significant and under-recognized cost of emissions and to reduce potential financial risk to California consumers for future pollution-control costs. Specifically, these regulations are intended to prohibit any local publicly owned electric utility from entering into a long-term financial commitment unless any baseload generation complies with the greenhouse gases emission performance standard.

On October 30, 2006, the Commission adopted an Order Instituting Rulemaking to establish a greenhouse gases emission performance standard and adopt implementing regulations. The publication of this Notice of Proposed Action initiates the formal rulemaking process.

Existing law requires the Commission, in consultation with the Public Utilities Commission and the State Air Resources Board, to establish a greenhouse gases emission performance standard for all baseload generation of local publicly owned electric utilities that is no higher than the rate of emissions of greenhouse gases for combined-cycle natural gas baseload generation. Existing law also requires that the greenhouse gases emission performance standard established by the Commission be consistent with the standard adopted by the Public Utilities Commission for load-serving entities. (Public Utilities Code, §8341(e)(1).) These regulations establish an emission performance standard of 1100 pounds (0.5 metric tons) of carbon dioxide per me-

gawatt hour of electricity. This standard was established in consultation with the CPUC and CARB and is the same one adopted by the CPUC.

Existing law requires the Commission to adopt regulations for the enforcement of the EPS with respect to local publicly owned electric utilities (POU). (Public Utilities Code, §8341(c)(1).) These regulations would require POUs, within 10 days of making a long-term financial commitment in a baseload facility, to certify to the Commission that such a commitment complies with these regulations and provide back-up material to support such attestation. The regulations then provide for Commission review of these compliance filings and a determination of whether or not the attestation, and the underlying facility as described in the attestation, complies with these regulations. Additionally, the Commission may open an investigatory proceeding and gather additional information if it believes that covered procurements made by a POU do not comply with these regulations.

Existing law requires the Commission, in determining whether a long-term financial commitment is for baseload generation, to consider the design and intended use of the powerplant, the electricity purchase contract, any certification received from the Commission or other permit for the operation of the powerplant, any procurement approval decision for the load-serving entity, and any other matter the Commission determines is relevant under the circumstances. (Public Utilities Code, §8341(c)(3).) These regulations provide that a determination of whether a long-term financial commitment is for baseload generation will be based on the powerplant's annualized capacity factor, which includes consideration of permits for the operation of the powerplant. The regulations would also allow consideration of other factors, including those identified in the statute, if necessary.

Existing law requires the Commission, in determining the rate of emissions of greenhouse gases for baseload generation, to include the net emissions resulting from the production of electricity by the baseload generation. (Public Utilities Code, §8341(e)(3).) These regulations would require a POU to determine a powerplant's emissions of carbon dioxide based on the facility's net emissions that result from the production of electricity.

Existing law requires the Commission to establish an output-based methodology to ensure that the calculation of emissions of greenhouse gases for cogeneration recognizes the total usable energy output of the process, and includes all greenhouse gas emitted by the facility in the production of both electrical and thermal energy. (Public Utilities Code, §8341(e)(4).) These regulations would require a cogeneration facility's EPS-compliance determination to be based on the sum of the

MWh of electricity produced and the useful thermal energy output. This ensures that the portion of energy that is not used for electricity production is taken into account in determining the facility's emissions.

Existing law requires the Commission, in calculating the emissions of greenhouse gases by facilities generating electricity from biomass, biogas, or landfill gas energy, to consider net emissions from the process of growing, processing, and generating the electricity from the fuel source. (Public Utilities Code, §8341(e)(5).) The Energy Commission has determined that biomass, biogas, and landfill gas energy powerplants using certain resources will not exceed the EPS when the net emissions from growing, processing, and generating electricity are considered. Therefore, these regulations would find that these facilities are in compliance with the EPS.

Existing law prohibits the Commission from counting carbon dioxide that is captured from the emissions of a powerplant that is permanently disposed of in geological formations in compliance with applicable laws and regulations as emissions from the powerplant. (Public Utilities Code, §8341(e)(6).) These regulations would exclude carbon dioxide emissions that are projected to be successfully sequestered from a powerplant's calculation of greenhouse gas emissions.

Existing law requires the Commission, in adopting and implementing the greenhouse gases emission performance standard, to consider the effects of the standard on system reliability and overall costs to electricity customers, in consultation with the Independent System Operator. (Public Utilities Code, §8341(e)(7).) In formulating these regulations, the Commission consulted with the Independent System Operator and the CPUC to ensure that the EPS, and its implementation, would not have a detrimental impact on system reliability and overall costs to electricity customers. The Commission has determined such an impact is unlikely. In the event that there may be a reliability or cost impact resulting from application of the EPS to a covered procurement, a POU may petition the Commission for an exemption.

Existing law requires the Commission, in developing and implementing the greenhouse gases emission performance standard, to address long-term purchases of electricity from unspecified sources in a manner consistent with SB 1368. These regulations would allow the use of up to 15% of forecast energy production from unspecified sources in certain circumstances. The Commission determined that allowing a small amount of unspecified power was necessary to ensure that there was sufficient flexibility in the supply of electricity to allow for the firming of deliveries under contracts with specified powerplants. Allowing unspecified power in these

limited circumstances, and placing a cap of 15%, ensures consistency with the intent of SB 1368.

Existing law requires the Commission, in developing and implementing the greenhouse gases emission performance standard, to consider and act in a manner consistent with any rules adopted pursuant to Section 824a–3 of Title 16 of the United States Code. These regulations would ensure that, in order to avoid any conflict with federal law, any obligation to purchase from qualifying facilities would not be affected by application of the EPS.

INCORPORATION BY REFERENCE

The proposed regulations would not incorporate any documents by reference.

SMALL BUSINESS IMPACTS

The Commission concludes that the proposed regulations would not affect small business. No small business is legally required to comply with or enforce these regulations, nor will any small business derive a benefit or incur a detriment from implementation of these regulations. The proposed regulations only limit a POU's ability to enter into long-term financial commitments with facilities that exceed the emission performance standard. None of the POUs affected by these regulations are small businesses. The proposed regulations do not impose any indirect impacts to electricity generators because the small portion of generators with baseload powerplants that do not meet the EPS will be able to sell their electricity under current contracts, in new contracts that are less than 5 years in length, and to entities not subject to SB 1368, including those out of state. Therefore, there are no impacts to small businesses resulting from the proposed regulations.

LOCAL MANDATE DETERMINATION

If adopted, the proposed regulations would impose a mandate on local agencies. Pursuant to Government Code section 17556(d), the costs would not be required to be reimbursed because the local agencies have the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service. Public Utilities Code sections 10001, 11501, 15501, and 20500 et seq. provide revenue sources for the affected entities to recoup any costs incurred through compliance with these proposed regulations.

COST/SAVINGS ESTIMATE

Implementation of the proposed regulations would result in minor costs to one state agency — the Califor-

nia Energy Commission. It is estimated that implementation of these regulations would cost the Commission approximately \$125,000 per year. This cost is incurred mainly in reviewing POU filings and issuing determinations. The proposed regulations could impose costs to local agencies in the amount of up to \$175,000 annually. Pursuant to Government Code section 17500 et seq. these costs would not be required to be reimbursed. There would be no other non-discretionary cost or savings imposed on local agencies and no cost or savings in federal funding to the state.

INITIAL DETERMINATION — ECONOMIC IMPACT ON BUSINESSES

The Commission has not yet completed the rulemaking process, but at this time, the Commission finds that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Commission and its staff are unaware of any legitimate cause and effect relationship between the proposed regulations and a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This initial determination is based upon: (1) the fact that the limitations regarding the purchase of electricity and the reporting requirements apply only to local publicly owned electric utilities, which are local agencies; and (2) the fact that while electricity generators may not be able to sell through long-term contracts electricity from baseload powerplants that do not meet the emission performance standard, they can still sell such electricity through current contracts, through new contracts of less than 5 years' duration, or they can sell such electricity to entities that are not governed by SB 1368.

POTENTIAL FOR ADVERSE IMPACTS ON BUSINESS AND INDIVIDUALS

The Commission's assessment is that the proposed regulations would have no potential for adverse economic impact on California business enterprises and individuals. As discussed above, the proposed regulations would have little effect on a private generator's ability to sell electricity, even from a baseload powerplant that does not meet the emission performance standard.

The Commission's further assessment is that the proposed actions would avoid the imposition of unnecessary or unreasonable regulations or reporting, record keeping, or compliance requirements. The regulations do not directly apply to private generators and they are

not required to comply with any reporting, record keeping, or compliance requirements.

The Commission's assessment is that the proposed regulations would have no negative effect on the creation or elimination of jobs within the State of California. The proposed regulations would have no negative effect on the creation of new businesses or the elimination or expansion of businesses currently doing business within the State of California. Existing combined-cycle natural gas powerplants, and those that receive a Commission permit by June 30, 2007, are exempt from the EPS. Existing powerplants that do not fall under this exemption and do not meet the EPS are not prevented from satisfying current contracts and would be able to enter into new contracts of less than 5 years' duration to sell their electricity to POUs. Nor do the regulations prevent the facilities from selling their electricity to entities not covered by SB 1368 or to out of state purchasers. Because electricity generators are not completely prevented from selling electricity from baseload powerplants that do not meet the EPS, and are freely able to sell from any other type of powerplant, the proposed regulations are not expected to have any adverse impact on jobs or businesses.

The proposed regulations would not require businesses to submit any new reports.

CONSIDERATION OF ALTERNATIVE PROPOSALS

Before adopting the proposed regulations, the Commission must determine that no reasonable alternative considered by it, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The Commission is not aware of any alternatives that would be as effective and less burdensome than the proposed regulations. The proposed regulations are not expected to have any effect on private persons.

IMPACT ON HOUSING COSTS

The Commission has determined, based on the nature of the proposed regulations, that they will not have a significant effect on housing costs. Restricting the ability of local publicly owned electric utilities to enter into certain long-term financial commitments could only have a very indirect and miniscule effect on housing costs. POUs will still be able to enter into short term contracts with any powerplant and there is no indication that the limits on purchasing electricity imposed by the

proposed regulations will result in any meaningful increase in cost to consumers.

COST IMPACT ON PRIVATE PERSONS AND BUSINESSES

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. As discussed above, the regulations apply only to POUs, which are local agencies, and do not require any action from businesses or private persons.

RELATIONSHIP TO FEDERAL REGULATIONS

The Commission is aware of no comparable federal regulations or statutes establishing a greenhouse gases emission performance standard and restricting the purchase of electricity by local publicly owned electric utilities. There is a federal regulation that requires certain entities, including local publicly owned electric utilities, to purchase electricity offered by qualifying facilities. (18 C.F.R. Part 292.) The proposed regulations contain an exemption for such facilities; therefore, there are no duplications or conflicts with any federal regulation or statute. Furthermore, no federally mandated regulation or amendment is being proposed.

STATUTORY AUTHORITY AND REFERENCE

Authority: Sections 25213 and 25218(e), Public Resources Code; 8341, Public Utilities Code.

Reference: Section 54950, Government Code; Sections 25741 and 25747, Public Resources Code; Sections 8340 and 8341, Public Utilities Code.

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

TITLE 22

45-DAY PUBLIC NOTICE AND COMMENT PERIOD

Phase I Environmental Site Assessments (Proposed New and Expanding School Sites)

Department Reference Number: R-2004-01
Office of Administrative Law Notice
File Number: 06-1117-11E

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) proposes to

amend the California Code of Regulations, chapter 51.5, article 1, emergency regulations that were approved by the Office of Administrative Law (OAL) on November 27, 2006 and designated as OAL Reference Number 06-1117-11E. The proposed regulations will finalize the emergency provisions and make other procedural and clarifying changes to regulation text in sections 69100, 69101, 69102, 69103, 69104, 69105, 69106, 69107, 69108 and adding section 69109.

PUBLIC HEARING AND WRITTEN COMMENT PERIOD

A written comment period has been established commencing on March 9, and closing on April 23, 2007. DTSC will hold a public hearing on the proposed regulations at 10:00 a.m. on April 23, 2007 in the Sierra Hearing Room, 2nd Floor, 1001 "I" Street, Sacramento, at which time any person may present statements or arguments orally or in writing, relevant to this proposal. Please submit written comments to the contact person listed at the end of this notice. Written comments on the rulemaking submitted no later than 5:00 p.m. on April 23, 2007 will be considered.

Representatives of DTSC will preside at the hearing. Persons who wish to speak are requested to register before the hearing. Pre-hearing registration will be conducted at the location of the hearing from 9:30 a.m. to 10:00 a.m. Registered persons will be heard in the order of their registration. Any other person wishing to speak at the hearing will be afforded an opportunity after the registered persons have been heard.

Due to enhanced security precautions at the California Environmental Protection Agency (Cal/EPA) Headquarters Building located at 1001 I Street, Sacramento, all visitors are required to sign in prior to attending any meeting. Sign-in and badge issuance occur in the Visitor and Environmental Services Center. This Center is located just inside and to the left of the building's public entrance. Depending on their destination and the building security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver's license, military identification card, or state or federal identification cards. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to your meeting.

If you have special accommodation or language needs, please contact Nicole Sotak, Chief, Environmental Analysis and Regulations Section, at (916) 327-4508 or by e-mail at regs@dtsc.ca.gov by April 5,

2007. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

In accordance with the California Government Code and Americans with Disabilities Act requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette (etc) as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact Adrian Recio at (916) 324-3095 or by e-mail at arecio@dtsc.ca.gov.

AUTHORITY AND REFERENCE

These regulations are being proposed under the following authorities:

Health and Safety Code section 58012 (added by Gov. Reorg. Plan No. 1, §146, eff. July 17, 1991.) This section provides DTSC with the authority to adopt and enforce rules and regulations needed for the execution of its duties.

Education Code section 17210, subsection (g). This section authorizes DTSC to adopt final regulations that establish guidelines for Phase I Environmental Site Assessments for proposed school sites.

These regulations implement, interpret, or make specific the following:

Education Code section 17210, subsection (g). This section specifies the requirements for conducting a Phase I Environmental Site Assessment in the absence of DTSC regulations and authorizes DTSC to adopt final regulations that establish different guidelines for Phase I Environmental Site Assessments for proposed school sites.

Education Code section 17213.1. This section specifies the role of DTSC in the Phase I environmental assessment process for proposed school sites.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Law

Education Code sections 17210, 17210.1, 17213.1, and 17213.2 specify the comprehensive environmental review process under DTSC oversight for proposed new or expanding schools. The environmental review process includes a Phase I Environmental Site Assessment (Phase I), Preliminary Endangerment Assessment (PEA), and if necessary, response action that is protective of children's health with an ample margin of safety.

The existing emergency regulations (Cal. Code Regs., tit. 22, div. 4.5, ch. 51.5, commencing with § 69100), posted at www.dtsc.ca.gov, establish guidelines for completion of a Phase I and Phase I Addendum. These proposed regulations finalize the emergen-

cy component of those regulations and present other procedural and clarifying changes to the Phase I and Phase I Addendum processes. These regulations streamline the environmental review process and help minimize site assessment costs for properties historically considered unlikely to have contamination, such as residential properties.

Policy Statement Overview

Broad Objectives: These regulations are necessary to continue supporting the efforts of the State of California to increase the number of school facilities while protecting children and staff from the potential effects of exposure to hazardous materials. These regulations will also provide consistency with updated federal standards to ensure that school assessments are conducted in accordance with national standards so federal and/or State liability protection may be available to school districts. Additionally, the changes will streamline and thereby improve the site assessment process for proposed new and expanding school sites by allowing submittal of test results for organochlorine pesticides (OCPs) in soil from termiticide application in a Phase I Addendum.

Specific Objectives: These regulations are necessary to finalize the provisions contained in the emergency regulations approved on November 27, 2006, to ensure continued DTSC compliance with the latest American Society for Testing and Materials (ASTM) national standard for Phase Is, to include provisions to allow submission of sampling and analytical results for OCPs in soil from termiticide application in a Phase I Addendum.

Proposed Regulations

DTSC proposes to amend existing regulations to: (1) avoid conflict with the ASTM national standard for Phase Is; (2) streamline the process and minimize costs associated with environmental review of properties historically considered unlikely to have other than OCP contamination; (3) ensure consistency with laws and policies of DTSC; and (4) provide other needed clarifying provisions. Additional detail for each objective is provided below.

- (1) ASTM Standard E1527-05 is now the nationally recognized standard for conducting Phase Is and is the primary reference for conducting Phase Is for proposed new and expanding school sites. Reference to ASTM Standard E1527-00, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, as cited in the regulations prior to DTSC's emergency rulemaking, has been superseded by the new standard approved on November 1, 2005, ASTM Standard E1527-05. The emergency regulations amended the

regulation text to reflect this change. School districts rely on environmental assessors to conduct Phase Is, Phase I Addenda, and PEAs. It is critical that environmental assessments be conducted using the national standard, for environmental assessments conducted after November 27, 2006.

- (2) The regulations allow submittal of sampling and analytical results for OCPs in soil from termiticide application in a Phase I Addendum. The regulations streamline the process and minimize costs associated with environmental review for properties otherwise considered unlikely to have contamination, such as residential properties. These proposed regulations are needed to ensure that OCPs will be part of the Phase I and Phase I Addendum process.

If sampling and analytical results for OCPs in soil from termiticide application could not be submitted in a Phase I Addendum, school districts would be required to complete a Preliminary Endangerment Assessment (PEA) for all proposed school sites with structures that have wood components. This would result in significant increased costs for assessment of proposed school sites otherwise considered unlikely to have contamination, such as residential properties. These regulations present sampling protocols and analytical methods to be used to evaluate OCPs in soil from termiticide application. Sampling and analytical results will be evaluated in a human health screening evaluation approved by DTSC.

- (3) DTSC will reference the new ASTM Standard E1527-05, developed concurrently with all appropriate inquiries (AAI) provisions.

The State also passed legislation to provide liability protections under State law, Assembly Bill 389 (ch. 705, stats. 2004) also known as the California Land Reuse and Revitalization Act of 2004 (CLRRA). To be eligible for liability relief under CLRRA, bona fide purchasers, contiguous property owners, and innocent landowners, must comply with AAI and ASTM Standard E1527-05 may be used to satisfy this requirement.

The federal 2002 Brownfields Amendments to the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) required United States Environmental Protection Agency (USEPA) to develop regulations establishing standards and practices for conducting AAIs. To satisfy this requirement, USEPA developed a Final Rule for "Standards and Practices for All Appropriate Inquiries" (40 C.F.R. § 312) that became effective on November 1,

2006. To be eligible for liability protections under the federal 2002 Brownfields Amendments, bona fide purchasers, contiguous property owners, and innocent landowners must comply with AAI and may use ASTM Standard E1527-05 to satisfy this requirement. The proposed regulations ensure compliance with AAI and with the ASTM.

- (4) In addition to critical changes above, DTSC is also proposing the following modifications to assist in providing clarity to these processes:
- Clarify the definitions for a Phase I and Phase I Addendum to help school districts understand the differences between the two documents. A new section is being added to the regulations for Phase I Addendum recommendations.
 - Add contaminants and sources that should be evaluated in addition to those identified in ASTM Standard E1527-05.
 - Clarify construction cutoff dates for evaluation of lead-based paint and electrical transformers.
 - Add sample collection procedures for post-demolition sampling for lead if the foundations or slabs are present and the site has not been graded.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

DTSC has found this rulemaking project to be exempt under CEQA. A draft of the Notice of Exemption (NOE) is available for review with the rulemaking file and the NOE will be filed with the State Clearinghouse when the regulations are adopted.

PEER REVIEW

There was a Residential Pesticide Study completed by DTSC in 2006 which supports the basis for the provision to allow results of sampling and analysis for OCPs in soil from termiticide application to be submitted in a Phase I Addendum. However, the basis for the determination to include OCPs as part of a Phase I and Phase I Addendum is a voluntary procedure and does not establish a "regulatory level, standard, or other requirement" as defined by Health and Safety Code section 57004 and does not require peer review. The Office of Health Hazard Assessment (OEHHA) did review the Residential Pesticide Study and OEHHA's comments were incorporated in the Study. A copy of the Study is available in DTSC's Regulations Unit.

BUSINESS REPORT

DTSC has determined that this rulemaking will not require businesses to write a new report, as defined by Government Code section 11346.3(c).

FISCAL IMPACT ESTIMATES

Mandates on Local Agencies and School Districts: DTSC has made a preliminary determination that adoption of these regulations will create no new local mandates. These regulations provide a voluntary option for school districts that choose to conduct a Phase I Environmental Site Assessment. Any mandates that are imposed on school districts already exist in statute and these regulations impose no new mandates.

Estimate of Potential Cost or Savings to Local Agencies Subject to Reimbursement: DTSC has made a preliminary determination that adoption of these regulations will not impose a local mandate or result in costs subject to reimbursement pursuant to part 7 of division 4, commencing with section 17500, of the Government Code or other nondiscretionary costs or savings to local agencies.

Cost or Savings to Any State Agency: The requirements for completion of a Phase I Assessment in the regulations would have no fiscal impact on DTSC because the regulations merely clarify Phase I activities required by current law. The regulations could result in some additional costs for DTSC to review a Phase I Addendum. However, any costs for DTSC to review the Phase I Addendum would be reimbursed by the school district.

Cost or Savings in Federal Funding to the State: DTSC has made a preliminary determination that the proposed regulations will have no impact on Federal revenue or costs.

Effect on Housing Costs: DTSC has made an initial determination that there will be no impact on housing costs.

Cost Impacts on Representative Private Persons or Businesses: These regulations do not impose any costs over what is already required by statute. Specifically, any such costs would have been as a result of implementation of Senate Bill 162 (ch. 1002, stats. 1999) and Assembly Bill 387 (ch. 992, stats. 1999). Together these bills establish the authority for these regulations by requiring school districts, as a condition of receiving State funds, to enter into an agreement with DTSC to oversee response actions, as well as establishing the parameters for school districts conducting Phase I assessments, and provisions for reimbursing DTSC for oversight costs.

Significant Statewide Adverse Economic Impact on Businesses: DTSC has made an initial determina-

tion that the proposed regulations will not have a state-wide adverse economic impact directly affecting businesses, including the ability to compete with businesses in other states.

Assessment Statement:

- (A) **Creation or elimination of jobs within California** — DTSC has made a preliminary determination that no jobs will be created or eliminated in California as a result of the proposed regulations.
- (B) **Creation of new businesses or the elimination of existing businesses within California** — DTSC has made a preliminary determination that no businesses will be created or eliminated in California as a result of the proposed regulations.
- (C) **Expansion of businesses currently doing business in California** — DTSC has made a preliminary determination that it is not likely that businesses in California will be expanded as a result of the proposed regulations.

Effect on Small Businesses: DTSC has determined that these regulations do not have an effect on small businesses because the regulations apply only to school districts seeking State funding for acquisition of property or construction projects.

CONSIDERATION OF ALTERNATIVES

DTSC must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of DTSC would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. DTSC invites interested persons to present arguments, with respect to the various options, at the scheduled hearing, or during the written comment period.

AVAILABILITY OF TEXT OF REGULATIONS
AND STATEMENT OF REASONS

Copies of the Notice, Initial Statement of Reasons, and the text of the proposed regulations are posted to DTSC's Internet site at <http://www.dtsc.ca.gov> or may be obtained from Ms. Nicole Sotak of DTSC's Regulations Section as specified below. If you are interested in receiving notice by electronic mail when any new and/or additional information is available concerning these regulations, please go to: <http://www.calepa.ca.gov/Listservs/dtsc/>

You can "subscribe" to these specific regulations by following the instructions on this website.

POST-HEARING CHANGES

After the close of the comment period, DTSC may adopt the proposed regulations. If substantial changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulations, attend the hearing, or provide written comments on these specific regulations will be sent a copy of the modified text, if substantive changes are made.

Once regulations have been adopted, DTSC prepares a Final Statement of Reasons, which updates the Initial Statement of Reasons, summarizes how DTSC addressed comments and includes other materials, as required by Government Code section 11346.9. Copies of the Final Statement of Reasons may be obtained from Ms. Nicole Sotak at the address listed below. A copy of the Final Statement of Reasons will also be posted on DTSC's Internet site at <http://www.dtsc.ca.gov>, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations.

CONTACT PERSONS

Inquiries regarding technical aspects of the proposed regulations or CEQA documents may be directed to Laurie Grouard of DTSC at (916) 323-3394 or, if unavailable, Kathleen Hartshorne of DTSC at (916) 323-3395. However, such oral inquiries are not part of the rulemaking record.

Statements, arguments or contentions regarding rule-making and/or supporting documents must be submitted in writing or may be presented orally or in writing at the public hearing in order for them to be considered by DTSC before it adopts, amends or repeals these regulations. To be included in this regulation package's mailing list, and to receive updates of this rulemaking, please leave a message on the DTSC mailing list phone line at (916) 324-9933 or e-mail: regs@dtsc.ca.gov.

Please direct all written comments, procedural inquiries and requests for documents by mail, e-mail or fax to:

Ms. Nicole Sotak, Chief
Regulations Unit
Environmental Analysis and
Regulations Section
Department of Toxic Substances
Control

Mailing Address: P.O. Box 806
Sacramento, CA 95812-0806

E-mail Address: regs@dtsc.ca.gov

Fax Number: (916) 323-3215

Ms. Sotak's phone number is (916) 327-4508.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication March 9, 2007

CESA CONSISTENCY DETERMINATION FOR San Luis Rey River Flood Control Project San Diego County

The Department of Fish and Game ("Department") received notice on February 16, 2007 that the City of Oceanside proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the performance of flood control and risk reduction activities on 576 acres of the Lower San Luis Rey River in San Diego County. Activities include exotic plant removal, vegetation clearing, sediment removal, and mowing.

The U.S. Fish and Wildlife Service issued a no jeopardy federal biological opinion (FWS-SDG-1366.20) to the U.S. Army Corps of Engineers (Corps) on February 14, 2006 which authorizes incidental take of the federally and state endangered least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*).

Pursuant to California Fish and Game Code Section 2080.1, the City of Oceanside is requesting a determination that the federal biological opinion FWS-SDG-1366.20 is consistent with CESA. If the Department determines that the federal biological opinion is consistent with CESA, the City of Oceanside will not be required to obtain an incidental take permit under CESA (Fish and Game Code Section 2081(b)) for the proposed project.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication March 9, 2007

CESA CONSISTENCY DETERMINATION FOR Willits Bypass Project Mendocino County

The Department of Fish and Game ("Department") received notice on February 15, 2007 that the California Department of Transportation ("Caltrans") proposes to

rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the construction of a 4-lane freeway bypass around the town of Willits on US 101 in Mendocino County. The proposed project will cross Haehl, Baechtel, Broaddus, and Mill creeks. The activities will impact riparian habitat and in-water fish habitat.

The National Marine Fisheries Service ("NMFS") issued a no jeopardy federal biological opinion (2005/07370:TKD) to the U.S. Department of Transportation on November 4, 2005 which authorizes incidental take of the federally and state threatened Southern Oregon/Northern California Coast ESU Coho Salmon (*Oncorhynchus kisutch*).

Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination that biological opinion 2005/07370:TKD is consistent with CESA. If the Department determines that the federal biological opinion is consistent, Caltrans will not be required to obtain a separate incidental take permit under Fish and Game Code section 2081 for the project.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication March 9, 2007

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES Research on the Black Toad (*Bufo exsul*)

In February 2007, the Department of Fish and Game (Department) received a proposal for a common garden experiment using the *Bufo boreas* complex, including the black toad (*Bufo exsul*). The proposal is from Dr. C. Richard Tracy at the University of Nevada, Reno.

The western toad (*Bufo boreas* complex) is found throughout Nevada and California in many isolated populations. There is variation in size among these isolated populations. The proposed research is to discern the extent to which size differences among populations is due to genetics and environmental differences. Dr. Tracy is proposing to conduct a common garden experiment, in which individuals from different populations grow under common environmental conditions in a laboratory setting. Individuals will be measured to determine if there is a difference in pattern of growth or ultimate adult body size. These measurements will provide evidence to support a genetic or environmental basis for size differences. A previous common garden experiment with Amargosa toads (*Bufo nelsonii*) and toads

from Hot Creek, Nevada (*Bufo boreas*) provided evidence for genetic effects of size difference (Tracy unpublished data). Black toads (*Bufo exul*) in California are different than other western *Bufo* in appearance and ecology; however, the extent to which these differences are genetic is unknown. Therefore, Dr. Tracy is proposing to continue this experiment with individuals from additional populations of toads in Nevada and California. Separating environmental and genetic effects of size determination among *Bufo* populations will increase understanding of the ecology of the *Bufo* complex, which is needed to guide management decisions for the species.

Eggs, tadpoles, or metamorphs (depending on the phenology of the *Bufo* life cycle for this season) will be collected from 4 populations at isolated spring locations in Amargosa Valley (NV), Hot Creek (NV), White Mountains (NV), and Deep Springs Valley (CA). The differences in average body mass among populations in the field are dramatic. Thus, if all toads grew to the sizes they exhibit under field conditions, it would be easy to discern differences in body size with a small sample size. However, the researchers will need a larger sample size to distinguish difference among growth patterns in addition to ultimate body size differences. These types of growth pattern measurements have been discerned successfully with many lizard species. Collection of 50 eggs/tadpoles per clutch will be necessary to account for probable high levels of mortality at each life stage. These measurements are conservative and will result in collection of 1% of any one egg mass. Dr. Tracy proposes sampling up to 6 locations per population, which would result in a total collection of up to 300 eggs/tadpoles. Individuals will be transported to the University of Nevada, Reno, where they will be housed in aquaria. Individuals from each population will be housed in a partitioned section of the aquarium. Animal will be raised to adulthood (1 to 2 years). To document individual growth, body mass data along with morphological measurements will be collected weekly. Once the experiment is completed, a portion of the remaining toads will be kept in the live education collection at the University of Nevada, Reno. Depending on the final number of toads, additional toads will be donated, live, to educational facilities in California or Nevada, accompanied by appropriate documentation of the toads' origin.

The black toad is a Fully Protected amphibian, and state-listed Threatened species. The applicant and any assistants are required to have a Scientific Collecting Permit (SCP) and additional special authorization from the Department for research on Fully Protected species. The Department may issue, under specified conditions, a Memorandum of Understanding (MOU) that would

authorize the applicant and assistants to carry out the proposed activities.

The proposed activity will take place during 2007 through 2009.

Pursuant to California Fish and Game Code (FGC) Section 5050, the Department may authorize take of Fully Protected amphibians after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected amphibians, it would issue the authorization on or after March 9, 2007, for a term of three years. Contact: Wildlife Programs Branch, 1812 Ninth Street, Sacramento, CA 95814, Attn.: Dale Steele.

FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

(Continuation of California Notice Register 2007, No. 7-Z, and Meetings of February 2, March 2, and April 13, 2007.)

(NOTE: See changes shown in **bold face** type.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, 203.1, 331, 332, 1050, 1572, 3452, 3453, 4005, 4009.5, 4751, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 460, 713, 1050, 1570–1572, 1801, 3452, 3453, 3800, 3950, 3951, 4005, 4009.5, 4330–4333, 4336, 4751, 4756, 4800–4805, 4902, 10500 and 10502 of said Code, proposes to amend Sections 353 and 475, Title 14, California Code of Regulations, relating to Mammal Hunting — Method of Take Regulations.

UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 353, Title 14, CCR, Re: Methods Authorized for Taking Big Game

The existing regulations provide for methods to be used to take big game. Traditionally, bullets containing lead have been used for taking big game. The regulation change proposed here would require non-lead bullets, muzzleloader balls, and/or shotgun slugs for the taking of big game mammals in the geographic area inhabited by free-ranging California condors. This area is identified in existing regulation by the boundaries established as deer hunt zones as the South Unit A Deer zone, and all of deer zones D9, D10, D11, and D13.

Alternatives to the proposed action are “no change” to existing regulation, requiring non-lead bullets state-wide, **and extending the Proposed Action to historic California condor range (this alternative implements the proposed action, except that it increases the geographic area up into the Southern Sierra Nevada to include what is considered historic California condor range and would include the areas described in regulation as deer hunt zones D7 and D8).**

In the past two decades, State, federal, and non-profit organizations have diligently worked to save and reintroduce the endangered California condor into the wilds of its former range. These conservation efforts, including substantial research investigations, have resulted in the determination that lead toxicity/lead poisoning is a factor affecting condor health and survival. The Department mission is to conserve California’s wildlife for use and enjoyment by the citizens of the State. Reducing the potential risk to the condor of lead poisoning through big game hunting activities is the intent of this regulation change.

The proposal requires hunters in the specified area of the state inhabited by free-ranging California condor to use non-lead containing bullets, muzzleloader balls, and/or shotgun slugs for the taking of big game.

Amend Section 475, Title 14, CCR, Re: Methods of Take for Nongame Birds and Nongame Mammals

The existing regulations provide for methods to be used, as well as methods prohibited, for the take of nongame birds and nongame mammals. Traditionally, bullets made of lead have been used for take of many nongame birds and nongame mammals. The regulation change proposed here would require that centerfire bullets, muzzleloading balls, slugs and buckshot used for the take of nongame birds and nongame mammals in the geographic area inhabited by the California condor be non-lead bullets. This area is identified in existing regulation by the boundaries established as deer hunt zones as the South Unit A Deer zone, and all of deer zones D9, D10, D11, and D13.

Alternatives to the proposed action are “no change” to existing regulation, requiring non-lead bullets state-wide, **and extending the Proposed Action to historic California condor range (this alternative implements the proposed action, except that it increases the geographic area up into the Southern Sierra Nevada to include what is considered historic California condor range and would include the areas described in regulation as deer hunt zones D7 and D8).**

In the past two decades, State, federal, and non-profit organizations have diligently worked to save and reintroduce the endangered California condor into the wilds of its former range. These conservation efforts, includ-

ing substantial research investigations, have resulted in the determination that lead to toxicity/lead poisoning is a factor affecting condor health and survival. The Department mission is to conserve California’s wildlife for use and enjoyment by the citizens of the State. Reducing the risk to the condor of lead poisoning through big game hunting activities is the intent of this regulation change.

The proposal requires that centerfire bullets, muzzle-loading balls, slugs and buckshot used for the take of nongame birds and nongame mammals in the geographic area inhabited by the California condor, be non-lead bullets.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Bodega Bay Marine Laboratory, Lecture Hall, 2099 Westside Road, Bodega Bay, California on Friday, April 13, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 6, 2007, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 9, 2007. All comments must be received no later than April 13, 2007, at the hearing in Bodega Bay, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sheri Tiemann at the preceding address or phone number. **Craig Stowers, Wildlife Programs Branch, phone (916) 445-3553, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal reg-

ulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

Sections 353 and 475

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Based on information currently available, the Department does not believe that requiring the use of non-lead ammunition for the hunting of big game in California condor range will cause any significant changes to hunting programs administered by the Department or to the public, as evidenced by the change to non-lead shot for waterfowl hunting in California several years ago.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

Ammunition retailers not offering non-lead ammunition options will likely experience a reduction in sales and revenue. Those can be mitigated by including non-lead ammunition in their sales inventory. Additionally, the demand for non-lead ammunition alternatives for a variety of purposes (enforcement, security, target practice) in addition to hunting

is increasing. Increased demand will likely result in the creation of new businesses or the expansion of existing businesses in California.

- (c) Cost Impacts on a Representative Private Person or Business:

Department research indicates that although the number of manufacturers currently producing non-lead ammunition is limited and the price of non-lead ammunition is slightly higher in cost than lead ammunition, neither of these factors will result in significant adverse economic impact to California's big-game hunters.

The difference in price for a box (20 rounds) of non-lead ammunition compared to lead ammunition varies depending on caliber and ranged from \$5.00 (22%) for .243 caliber to \$1.00 (2%) for 7mm caliber. Differences in bullets for reloading (50/box) ranged from \$11.04 (65%) for .224 caliber to \$8.60 (37%) for .270 caliber.

Although production capacity is currently limited, a variety of ammunition retailers do offer non-lead ammunition in most calibers used in big-game hunting. Prices for non-lead ammunition (up to 22%) and bullets (up to 65%) are higher; however, when viewed as part of the total cost of a hunting trip (license, tags, food, lodging, fuel, carcass processing, taxidermy, etc.) the increased amount (up to \$5.00 for a box of ammunition and up to \$11.69 for a box of bullets) is insignificant.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or

would be as effective and less burdensome to affected private persons than the proposed action.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY OFFICE OF
ENVIRONMENTAL HEALTH HAZARD
ASSESSMENT**

**NOTICE TO INTERESTED PARTIES
March 9, 2007**

**ANNOUNCEMENT OF DRAFT REPORT,
PUBLIC WORKSHOP, AND PUBLIC
COMMENT PERIOD**

**HEALTH ADVISORY AND SAFE EATING
GUIDELINES FOR FISH AND SHELLFISH
FROM THE SAN JOAQUIN RIVER AND
SOUTH DELTA (CONTRA COSTA, SAN
JOAQUIN, STANISLAUS, MERCED, MADERA,
AND FRESNO COUNTIES)**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) announces the availability of the draft report entitled "Health Advisory and Safe Eating Guidelines for Fish and Shellfish from the San Joaquin River and South Delta (Contra Costa, San Joaquin, Stanislaus, Merced, Madera, and Fresno Counties)." The report contains an evaluation of studies of mercury levels in fish from the San Joaquin River and other rivers, sloughs, and flooded tracts in the South Delta, and provides safe eating guidelines for these water bodies. OEHHA is soliciting comments from interested parties on the draft report and safe eating guidelines during a 45-day public comment period. Comments may be submitted at any time until the close of the comment period. OEHHA will also hold a public workshop and training on the safe eating guidelines for the San Joaquin River and South Delta on March 20, 2007, at 9:30 AM, at the County of San Joaquin Public Health Services office at 1601 E. Helton Avenue, Stockton. OEHHA will make presentations and answer questions, and the workshop will include opportunities for the public to participate.

Comments on the draft report may be submitted by phone, fax, or e-mail to Dr. Margy Gassel. All comments must be received by 5:00 p.m. on April 23, 2007. OEHHA will consider comments received by this time

and revise the draft report and safe eating guidelines as appropriate to issue a final report.

OEHHA is making the draft document available at the OEHHA Web site at <http://www.oehha.ca.gov>. A copy of the report is also available by calling (510) 622-3170.

If you would like to submit comments, receive further information on this announcement, or have questions, please contact Dr. Margy Gassel using the information provided below.

Dr. Margy Gassel
California Environmental Protection Agency
Office of Environmental Health Hazard Assessment
Pesticide and Environmental Toxicology Branch
1515 Clay Street 16th Floor
Oakland, California 94612
Phone: (510) 622-3166
Fax: (916) 622-3218
e-mail: mgassel@oehha.ca.gov

DECISION NOT TO PROCEED

BUREAU OF AUTOMOTIVE REPAIR

**NOTICE OF DECISION NOT TO PROCEED
WITH RULEMAKING ACTION**

The Bureau of Automotive Repair has decided not to proceed with its rulemaking action described in the Notice published in the *California Regulatory Notice Register*, No. 2006, 27Z, on July 7, 2006, OAL File No. Z-06-0626-03, concerning Title 16, section(s) 3395.4.

**RULEMAKING PETITION
DECISIONS**

**PUBLIC EMPLOYEES' RETIREMENT
SYSTEM**

**Board of Administration
California Public Employees' Retirement System**

**Decision on Petition for Adoption of Regulation
California Government Code section 11340.7**

INTRODUCTION

On January 21, 2007, Mr. Keith Paul Bishop filed a petition with the Board of Administration, California

Public Employees' Retirement System (CalPERS), pursuant to California Government Code section 11340.6 ("Petition"). The Petition requested that CalPERS amend the California Code of Regulations to adopt regulations regarding Public Records Act requests. Pursuant to Government Code section 11340.7, and for the reasons set forth below, CalPERS hereby denies the Petition.

DECISION

Government Code section 6253.4 sets forth a list of the state and local agencies that are required to establish written guidelines regarding the accessibility of records pursuant to the Public Records Act and requires that the guidelines be posted and made available upon request. CalPERS is one of the agencies listed and CalPERS has complied with this requirement by establishing and posting guidelines. A copy of CalPERS' guidelines is attached. Government Code section 6253.4 also provides that "Every agency *may* adopt regulations stating the procedures to be followed when making its records available in accordance with this section." (Emphasis added.)

CalPERS believes the legislature did not intend that all guidelines adopted pursuant to Government Code section 6253.4 had to be adopted as regulations since the requirement to establish "guidelines" is mandatory as to certain agencies and the authorization to adopt regulations is clearly optional as to all agencies. CalPERS has met the requirements of Government Code section 6253.4 by adopting, consistent with the flexibility given to it by the Legislature, simple guidelines intended to (1) give notice that Public Records Acts requests may be made of CalPERS and (2) provide some practical guidance on how to make such a request.

CalPERS acknowledges that Government Code section 11342.600 defines "regulation" as "every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure." It is not CalPERS' intent to "implement, interpret, or make specific" the Public Records Act or any other state law or procedure. To the extent CalPERS' guidelines vary in any way from the Public Records Act, CalPERS acknowledges that the guidelines are without legal effect. The guidelines do not meet the definition of "regulation" found at Government Code section 11342.600 and CalPERS hereby denies the Petition.

CONTACT PERSON

Interested parties may obtain a copy of the Petition by contacting CalPERS.

CalPERS Contact: Gina M. Ratto, Deputy General Counsel
CalPERS
Lincoln Plaza North
400 Q Street, Suite 3340
Sacramento, California 95814

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

GUIDELINES FOR ACCESS TO PUBLIC RECORDS

Public records maintained by CalPERS are available for public inspection according to the following procedures:

1. Records are available for inspection during regular business hours, Monday through Friday, 8:00 a.m. – 5:00 p.m.
2. Requests for inspection or copying of public records:
 - a. Should be specific, focused and not interfere with the ordinary business operations of CalPERS. Where a request is not specific and focused, CalPERS staff will assist the requestor to identify the requested information, describe the technology or physical location of the record, and provide suggestions on how to overcome practical barriers to disclosure. The operational functions of CalPERS will not be suspended to permit inspection of records during periods in which such records are reasonably required by CalPERS personnel in the performance of their duties. If the request requires review of numerous records, a mutually agreeable time should be established for the inspection of the records.
 - b. Should sufficiently describe the records so that they can be identified, located and retrieved by CalPERS personnel.
 - c. Can be made orally or in writing, but CalPERS encourages written requests unless the request seeks records that are maintained by CalPERS for immediate public inspection.
3. CalPERS may refuse to disclose any records which are exempt from disclosure under the Public Records Act. (See e.g. Gov. Code sec 6254 *et seq.*)

4. Inspection of records will be allowed upon conditions determined by CalPERS. Upon either the completion of the inspection or the oral request of CalPERS personnel, the person conducting the inspection shall relinquish physical possession of the records. Persons inspecting CalPERS records shall not destroy, mutilate, deface, alter, or remove any such records from CalPERS. CalPERS reserves the right to have CalPERS personnel present during the inspection of records in order to prevent the loss or destruction of records.
5. Copies of records that are not exempt from disclosure are available upon pre-payment of the copying costs. (10 cents per page.)
6. These guidelines shall be posted in a conspicuous public place in CalPERS, and a free copy shall be provided upon request.

DISAPPROVAL DECISIONS

DEPARTMENT OF JUSTICE

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW

In re:

**CALIFORNIA INSTITUTE FOR
REGENERATIVE MEDICINE**

REGULATORY ACTION:
Title 17, California Code of
Regulations, section 100500

Section VI.E.3.b of the CIRM Grants
Administration Policy for Academic
and Non-Profit Institutions

**DECISION OF PARTIAL DISAPPROVAL
OF REGULATORY ACTION**
(Gov. Code, sec. 11349.3)

OAL File No. 07-0112-01S

SUMMARY OF REGULATORY ACTION

The California Institute for Regenerative Medicine (“Institute” or “CIRM”) was established in early 2005 with the passage of Proposition 71 (the “Act”), the California Stem Cell Research and Cures Initiative. The statewide ballot measure, which provides \$3 billion in funding for stem cell research and dedicated facilities at California universities and research institutions, was approved by California voters on November 2, 2004 and called for the establishment of a new state agency to make grants and provide loans for stem cell research, research facilities and other vital research opportunities. This regulatory action establishes standards and criteria for the awarding and oversight of the grant awards.

Date: March 7, 2007

CRAIG S. TARPENNING
Senior Staff Counsel

for: **LINDA C. BROWN**
Deputy Director

Original: Dr. Zachary W. Hall, Interim President
cc: C. Scott Tocher

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF PHARMACY
Notice of Electronic Prescription Files

This action repeals an existing regulation which requires pharmacies that use and share electronic files with other pharmacies, to notify their customers that the customer can choose to not have their files shared with other pharmacies.

Title 16
California Code of Regulations
REPEAL: 1712.2
Filed 02/23/07
Effective 03/25/07
Agency Contact:
Virginia Herold (916) 445-5014 x4005

BOARD OF PSYCHOLOGY Consumer Information

Business and Professions Code section 2936 requires that all psychotherapists post a notice in the therapist's primary office outlining how to file complaints about the psychotherapist. Section 728 of the Business and Professions Code requires a current psychotherapist who suspects a patient's previous psychotherapist may have engaged in sexual conduct with the patient be provided a brochure regarding inappropriate relations. The Board adopted new section 1396.5 to provide that psychotherapists providing therapy in languages other than English to provide a translation of the appropriate brochures, as provided by the Board, or, if no translation is available, to discuss the contents of the brochures with the patient.

Title 16
California Code of Regulations
ADOPT: 1396.5
Filed 02/28/07
Effective 03/30/07
Agency Contact: Kathy Bradbury (916) 263-0712

CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

CIRM Grants Administration Policy — Nonprofit and Academic Institution

The California Institute for Regenerative Medicine ("Institute" or "CIRM") was established in early 2005 with the passage of Proposition 71 (the "Act"), the California Stem Cell Research and Cures Initiative. The statewide ballot measure, which provides \$3 billion in funding for stem cell research and dedicated facilities at California universities and research institutions, was approved by California voters on November 2, 2004, called for the establishment of a new state agency to make grants and provide loans for stem cell research, research facilities and other vital research opportunities. This regulatory action establishes standards and criteria for the awarding and oversight of the grant awards.

Title 17
California Code of Regulations
ADOPT: 100500
Filed 02/28/07
Effective 03/30/07
Agency Contact: C. Scott Tocher (415) 396-9136

CALIFORNIA MEDICAL ASSISTANCE COMMISSION Conflict of Interest Code

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 22
California Code of Regulations
AMEND: 100540
Filed 02/23/07
Effective 03/25/07
Agency Contact: Denise DeTrano (916) 324-2726

COMMISSION ON TEACHER CREDENTIALING Certificates of Clearance and Fees

These regulatory changes affect how the Commission on Teacher Credentialing (CTC) administers the Certificates of Clearance. A Certificate of Clearance is a document issued to credential candidates before they enter into student teaching/professional placement. It indicates whether a particular individual meets the requirements of "character" and "fitness" to teach in California. Due to significant changes in the method of processing Certificates of Clearance by the CTC and the administration of examinations, the CTC is amending regulations as follows:

1. deleting references as to requirements for "health" fitness in their regulations;
2. requiring all applications for Certificates of Clearance to be submitted online;
3. requiring livescan identification through the Dept. Of Justice;
4. limiting the validity of the Certificate to 5 years;
5. changing the fee charged for a credential from \$65 to \$55;
6. adding a fee for a name change;
7. aligning fees to conform with FBI and DOJ charges;
8. deleting certain examinations that they no longer offer;
9. deleting payment of fees to CTC and having them paid directly to testing contractors; and,
10. shortening the processing time within which the application must be completed or a new fee paid from one year to sixty days.

Title 5
 California Code of Regulations
 AMEND: 80028, 80487
 Filed 02/28/07
 Effective 03/30/07
 Agency Contact:
 Terri H. Fesperman (916) 323-5777

DEPARTMENT OF AGING
Elderly Nutrition Program

In 2000 the Older Americans Act was amended. The amendments retained much of the original information, but in a move designed to streamline and consolidate the Act several items were moved around. Additionally much of the prescriptive language of the Act was deleted and greater flexibility was built into the Act to encourage innovation and improve service delivery. This rulemaking is a clean-up of DOA's regulations to match-up to the Federal Older Americans Act. This rulemaking also is deleting reference to the California Uniform Retail Food Facilities Law (CURFFL) and referencing the California Retail Food Code (CRFC).

Title 22
 California Code of Regulations
 AMEND: 7316(e), 7318(h)(1)(B)(6),
 7318(h)(1)(B)(7), 7360(a), 7634.3(d)(2),
 7636.1(b)(4), 7636.9, 7636.9(a), 7636.9(b),
 7636.9(b)(4)(B), 7636.9(c), 7636.9(c)(1) & (2),
 7638.5(a)(1)(A), 7638.5(a)(2), 7638.5(f) REPEAL:
 7316(d), 7318(b)(7), 7318(e)(6), 7318(h)(1)(B)(5),
 7625, 7627, 7638.5(b)(1)(A) & (B),
 7638.5(d), 7638.5(e)
 Filed 02/26/07
 Effective 07/01/07
 Agency Contact: Mary Lee Welsh (916) 928-3326

**DEPARTMENT OF CORRECTIONS AND
 REHABILITATION**
Indecent Exposure

This regulatory action is to amend sections of Title 15 in order to address indecent exposure and sexual disorderly conduct by inmates. Besides defining both phrases, these regulations describe the consequences for violations related to loss of privileges, disciplinary credit forfeiture and term of confinement to SHU (Segregated Housing Units).

Title 15
 California Code of Regulations
 AMEND: 3000, 3315, 3323, 3341.5
 Filed 02/23/07
 Effective 02/23/07
 Agency Contact: Ann Cunningham (916) 358-1959

DEPARTMENT OF HEALTH SERVICES
Well Logging Leak Testing and Abandonment of Irretrievable Source

This action updates regulations of the Department of Health Services to conform to federal standards applicable to leak testing and abandonment of sealed radioactive sources used in well logging operations.

Title 17
 California Code of Regulations
 AMEND: 30346.3, 30350.3
 Filed 03/01/07
 Effective 03/31/07
 Agency Contact: Cathy Ruebusch (916) 440-7841

DEPARTMENT OF HEALTH SERVICES
Treatment Authorization Requests (TARs)

The amendment of section 51003 of Title 22, adoption of new section 51003.1 and renumbering of section 51003.1 to section 51003.3 is necessitated by changes to the Welfare and Institutions Code. Specifically, Treatment Authorization Requests ("TARs") required for Medi-Cal services will only be reviewed for medical necessity. The appeal process is also amended to implement a single level of appeal for efficiency.

Title 22
 California Code of Regulations
 ADOPT: 51003.1 AMEND: 51003, 51003.3
 Filed 02/22/07
 Effective 03/24/07
 Agency Contact: Lynette Cordell (916) 650-6827

DEPARTMENT OF INDUSTRIAL RELATIONS
Workers' Compensation — Predesignation of Personal Physician

Department of Industrial Relations, Division of Workers' Compensation submitted this action without regulatory effect to amend two Title 8 regulations for employee pre-designation of a personal physician—section 9780(f), which defines "personal physician," and section 9783, the Predesignation of Personal Physician form (Optional DWC Form 9783—Effective March 2006). Revisions to 9780(f) and Form 9783 add

and define “medical group” as a personal physician, consistent with revision to Labor Code sec. 4600(d)(2)(D) in AB 2068 (Stats. 2006, ch. 819). Revision to Form 9783 also changes the form date to “March 1, 2007” and removes the word “Effective” from the form number.

Title 8
California Code of Regulations
AMEND: 9780, 9783
Filed 02/21/07
Effective 02/21/07
Agency Contact: Destie Overpeck (415) 703-4659

DEPARTMENT OF SOCIAL SERVICES

Community Care Licensing (CCL) Crisis Nursery

This readoption of 200 pages of regulations exempt from OAL review pursuant to statute is requested by DSS based on the fact that three other rulemaking files have since been approved and will require 15-day changes to this file. Additionally, DSS received “extensive and complex” written comments at the hearing held on November 29 and needs to make additional changes based on those comments. FRM from the original emergency is copied below.

Title 22, MPP
California Code of Regulations
ADOPT: 86500, 86501, 86505, 86505.1, 86506, 86507, 86508, 86509, 86510, 86511, 86512, 86517, 86518, 86519, 86519.1, 86519.2, 86520, 86521, 86522, 86523, 86524, 86526, 86527, 86528, 86529, 86531, 86531.1, 86531.2, 86534, 86535, 86536, 86540, 86542, 86544, 86545, 86546, 86552, 86553, 86554, 86555, 86555.1, 86558, 86559, 86561, 86562, 86563, 86564, 86565, 86565.2, 86565.5, 86566, 86568.1, 86568.2, 86568.4, 86570, 86572, 86572.1, 86572.2, 86574, 86575, 86576, 86577, 86578, 86578.1, 86579, 86580, 86586, 86587, 86587.1, 86587.2, 86588
Filed 02/23/07
Effective 02/23/07
Agency Contact: Alison Garcia (916) 657-2586

DIVISION OF WORKERS COMPENSATION

Workers’ Compensation Official Medical Fee Schedule — Pharmaceuticals

This regulatory action establishes the maximum amount of fees that will be reimbursed for pharmaceuticals and pharmacy services rendered to workers’ compensation claimants. This regulatory action falls within the “rate, price or tariff” exemption to the rulemaking

requirements of the Administrative Procedure Act, and therefore, is exempt from OAL review (Gov. Code, sec. 11340.9, subd. (g)).

Title 8
California Code of Regulations
AMEND: 9789.40
Filed 02/28/07
Effective 02/28/07
Agency Contact: Richard Starkeson (415) 703-4993

EDUCATION AUDIT APPEALS PANEL

Audits of K-12 Local Education Agencies — FY 06-07

This action without regulatory effect makes nonsubstantive changes to sections of the audit guide for K-12 education agencies, particularly the sections that direct auditors to verify compliance with various requirements of the Education Code that pertain to offering independent study in lieu of classroom attendance in charter schools.

Title 5
California Code of Regulations
AMEND: 19816, 19851, 19852, 19853
Filed 03/01/07
Effective 03/01/07
Agency Contact: Carolyn Pirillo (916) 445-7745

EMERGENCY MEDICAL SERVICES

AUTHORITY

EMT-1 Regulations

The EMS Authority is amending two regulations concerning EMT-1s and their certification, as follows:

1. Incorporating the updated 2005 American Heart Association Guidelines for CPR training as a prerequisite to EMT training.

2. Repealing a provision that requires EMT-1 certifying authorities to offer at least one EMT-1 certifying exam per year (because it is no longer possible in that the national testing facilities no longer offer the test to all the authorities).

Title 22
California Code of Regulations
AMEND: 100066, 100079
Filed 02/22/07
Effective 03/24/07
Agency Contact: Sean Trask (916) 322-4336

FISH AND GAME COMMISSION

2007-2009 Sport Fishing Regulations

This rulemaking action comprises the updated sport fishing regulations for 2007-2009.

Title 14

California Code of Regulations

ADOPT: 5.81, 27.91 AMEND: 1.62, 1.63, 1.67,
2.00, 5.00, 5.80, 7.00, 7.50, 8.00, 27.60, 27.65,
27.90, 27.95, 28.20, 29.70, 29.80, 29.85, 195, 701

Filed 02/28/07

Effective 02/28/07

Agency Contact: Jon Snellstrom (916) 653-4899

FISH AND GAME COMMISSIONDisposition of Wild Animals Possessed in Violation of
Regulations

Fish and Game Commission proposes amendment to 14 CCR section 671.5 to clarify Department of Fish and Game's (Department) enforcement and seizure authority over native and non-native wild animals possessed in violation of the Fish and Game Code (Code) or related regulations. The amendments also clarify Department enforcing officer options regarding disposition of seized animals, and provides for Department recovery from the violator for expenses incurred in seizure and disposition.

Title 14

California Code of Regulations

AMEND: 671.5

Filed 02/23/07

Effective 03/25/07

Agency Contact: Sheri Tiemann (916) 654-9872

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Trigger Height for Production Residential Roofing

In this regulatory action, the Occupational Safety and Health Standards Board adopts a new regulation relating to employee fall protection in connection with roofing construction work, specifically roofing work on new production-type residential construction with roof slopes of 3:12 or greater.

Title 8

California Code of Regulations

ADOPT: 1731 AMEND: 1730

Filed 03/02/07

Effective 04/01/07

Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Excavations, General Requirements

This regulatory action amends the state's Construction Safety Orders to clarify that section 1541 applies to specified subsurface facilities. It is to implement and make specific several sections in Chapter 3.1 of the Government Code to ensure that excavators understand their responsibilities prior to digging. The proposal also describes the training to become a qualified subsurface installation locator and required actions by the excavator who causes or discovers damage to subsurface installations.

Title 8

California Code of Regulations

AMEND: 1541

Filed 03/01/07

Effective 03/31/07

Agency Contact: Marley Hart (916) 274-5721

**OFFICE OF STATEWIDE HEALTH PLANNING
AND DEVELOPMENT**

Health Manpower Pilot Projects Programs

This is a nonsubstantive action updating authority and reference citations and updating title and project name to be consistent with statutes.

Title 22

California Code of Regulations

AMEND: 92001, 92002, 92003, 92004, 92005,
92006, 92007, 92008, 92009, 92010, 92011, 92012,
92101, 92201, 92202, 92301, 92302, 92303, 92304,
92305, 92306, 92307, 92308, 92309, 92310, 92311,
92312, 92313, 92401, 92501, 92601, 92602, 92603,
92604, 92701, 92702

Filed 02/28/07

Effective 03/30/07

Agency Contact:

Gloria J. Robertson (916) 654-1827

OFFICE OF THE STATE FIRE MARSHAL

Amend Extinguisher Regulations

This rulemaking is designed to clarify the definitions used in the regulations, update the referenced standards, and clarify existing regulatory requirements. More specifically this rulemaking is adding the definition of "accurate scales" for extinguisher maintenance, cartridge maintenance, and commercial applications. This rulemaking also updates the referenced ANSI/UL standards to the most recent editions and clarifies the requirements for the return of replaced extinguisher parts. It also clarifies the requirement for a signed acknowledgement by the owner for service conducted on extinguishers prior to the due date. Additionally the use of electronic monitoring of fire extinguishers is addressed.

Title 19

California Code of Regulations

ADOPT: 574.4, 574.5, 574.6 AMEND: 557.1, 561.2, 565.2, 566, 568, 573, 574.1, 574.2, 574.3, 574.4, 574.5, 574.6, 575.1, 575.3, Table 4, 575.4, 578.1, 591.5, 594.3, 595.1, 596.1, 596.2 REPEAL: 574.4, 574.5, 574.6

Filed 02/28/07

Effective 03/30/07

Agency Contact: Daniel Najera (916) 445-8421

PUBLIC UTILITIES COMMISSION

Intervener Compensation Procedures

In this regulatory action, the Public Utilities Commission amends the Intervener Compensation Procedures within its "Rules of Practice and Procedure" to specify requirements for a "notice of intent to claim compensation" and for a "request for compensation."

These regulations were subject to limited Administrative Procedure Act applicability and limited Office of Administrative Law review pursuant to Government Code section 11351 and Public Utilities Code section 311(h).

Title 20

California Code of Regulations

AMEND: 17.1, 17.4

Filed 02/22/07

Effective 03/24/07

Agency Contact: Hallie Yacknin (415) 703-1675

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

San Francisco Bay Jurisdiction and Bay Plan Amendment

The non-substantive change concerns the renumbering of cross-references to the Bay Plan maps to correctly reflect the reformatting that took place of the Bay Plan. It also corrects grammatical and typographical errors.

Title 14

California Code of Regulations

AMEND: 10121, 11900(a)(5)

Filed 03/01/07

Effective 03/31/07

Agency Contact:

Jonathan T. Smith (415) 352-3655

SECRETARY OF STATE

Fees for Filing Domestic Partnership or Notice of Termination

This request for nonsubstantive change to section 21922 of Title 2 deletes the reference to the forms and dates for a Declaration of Domestic Partnership and

Notice of Termination of Domestic Partnership. The Secretary of State submitted the forms for review and comparison with Family Code sections 297 and 298, and each and every provision in the current forms is required by statute or other regulation.

Title 2

California Code of Regulations

AMEND: 21922

Filed 03/01/07

Effective 03/01/07

Agency Contact: Tony Miller (916) 653-0296

VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD

Reimbursement Rates for Mileage Travel Expenses

This action by the Board increases the reimbursement rate for a claimant's use of a privately owned vehicle to 48.5 cents per mile from 44.5 cents per mile.

Title 02

California Code of Regulations

AMEND: 714

Filed 02/28/07

Effective 01/01/07

Agency Contact:

Jennifer A. Chmura (916) 491-3755

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN SEPTEMBER 27, 2006 TO
FEBRUARY 28, 2007**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

02/28/07 AMEND: 714

02/16/07 AMEND: 1859.2, 1859.76, 1859.83, 1859.163.1, 1859.167, 1859.202, 1866

02/02/07 AMEND: 2561, 2563, 2564, 2565, 2566, 2567

01/26/07 ADOPT: 599.550, 599.552, 599.553, 599.554 AMEND: 599.500

01/19/07 ADOPT: 18531.62, 18531.63, 18531.64 AMEND: 18544

01/11/07 AMEND: 1894.4, 1896.12

01/09/07 AMEND: 18707.1

01/09/07 ADOPT: 18530.3

01/09/07 ADOPT: 18534

01/08/07 ADOPT: 1859.106.1 AMEND: 1859.106
 12/22/06 AMEND: 21906
 12/18/06 AMEND: 18703.4, 18730, 18940.2, 18942.1, 18943
 12/18/06 AMEND: 18312, 18316.5, 18326, 18401, 18521, 18537.1, 18704.5, 18705.5, 18730, 18746.2
 12/18/06 ADOPT: 18421.3
 12/18/06 AMEND: 1859.2, 1859.70.1, 1859.71.3, 1859.78.5
 12/18/06 AMEND: 18545
 12/14/06 ADOPT: 18707.10
 12/13/06 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80
 11/06/06 AMEND: 18216, 18421.1
 11/03/06 AMEND: 1859.73.2
 10/31/06 AMEND: 559.500, 559.501, 559.503, 559.504, 559.505, 559.507, 559.508, 559.509, 559.510, 559.511, 559.512, 559.513, 559.515, 559.516, 559.517
 10/12/06 AMEND: 714
 09/27/06 AMEND: 18754

Title 3

02/15/07 ADOPT: 499.5, 513, 513.5 AMEND: 498, 499, 500, 501, 502, 504, 505, 509, 510, 511, 512, 512.1, 512.2, 514, 515, 516, 517, 525, 551, 552, 553, 554, 604.1
 REPEAL: 499.5, 503, 506, 508, 512.3, 527, 536, 537, 538, 539, 540, 541, 543, 544, 546, 547, 550
 02/14/07 AMEND: 3700(c)
 02/08/07 AMEND: 3433(b)
 02/08/07 AMEND: 6170, 6172, 6200
 02/07/07 AMEND: 6170, 6172, 6200
 01/31/07 AMEND: 3591.12(a)
 01/24/07 AMEND: 3591.13(a)
 01/18/07 AMEND: 3433(b)
 01/18/07 AMEND: 3433(b)
 01/18/07 AMEND: 3800.1, 3800.2
 01/18/07 AMEND: 3423(b)
 01/09/07 AMEND: 3433(b)
 01/08/07 AMEND: 3591.6(a)
 01/08/07 AMEND: 3591.2(a)
 01/05/07 AMEND: 6625
 01/05/07 AMEND: 3433(b)

01/05/07 AMEND: 3406(b)
 01/03/07 AMEND: 3424(b)
 12/20/06 AMEND: 3433(b)
 12/20/06 AMEND: 3423(b)
 12/19/06 ADOPT: 6310, 6312, 6314 AMEND: 6170
 12/06/06 AMEND: 3591.6
 12/06/06 AMEND: 3700(c)
 11/30/06 ADOPT: 6128 AMEND: 6130
 11/16/06 AMEND: 3433(b)
 11/13/06 AMEND: 3423(b)
 11/08/06 AMEND: 3591.2(a)
 10/27/06 ADOPT: 765 AMEND: 760.4, Article 3.5
 10/19/06 AMEND: 3591.6(a)
 10/12/06 ADOPT: 3424
 10/12/06 AMEND: 3433(b)
 10/12/06 AMEND: 3433(b)
 10/06/06 AMEND: 3700(c)
 10/06/06 AMEND: 3591.13(a)
 10/05/06 AMEND: 3589
 10/05/06 AMEND: 3433(b)
 10/02/06 AMEND: 3591.6(a)

Title 4

02/08/07 ADOPT: 12550, 12552, 12554, 12556, 12558, 12560, 12562, 12564, 12566, 12568, 12572
 02/08/07 ADOPT: 12341
 01/31/07 AMEND: 12590
 01/30/07 AMEND: 12101, 12301.1, 12309
 01/30/07 ADOPT: 12460, 12461, 12462, 12463, 12464, 12466
 01/30/07 AMEND: 12358
 01/26/07 AMEND: 1433
 01/17/07 ADOPT: 523
 01/11/07 AMEND: 1536
 12/05/06 AMEND: 1582
 11/22/06 AMEND: 1544 & 1658
 11/16/06 ADOPT: 2422.1
 11/03/06 AMEND: 10152, 10153, 10155, 10159, 10160, 10161, 10162
 10/24/06 AMEND: 1486
 10/16/06 AMEND: 1733

Title 5

02/28/07 AMEND: 80028, 80487
 02/16/07 ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7
 02/08/07 ADOPT: 1000, 1000.1, 1000.2, 1000.3, 1000.4, 1000.5, 1000.6, 1000.7

01/17/07	ADOPT: 55151, 55151.5 AMEND: 55002, 55150, 58160	Title 10	01/23/07	ADOPT: 2183, 2183.1, 2183.2, 2183.3, 2183.4 REPEAL: 2691.18, 2691.19
01/17/07	ADOPT: 58707 AMEND: 58704, 58770, 58771, 58773, 58774, 58776, 58777, 58779 REPEAL: 58706, 58775		01/10/07	AMEND: 3528
01/10/07	AMEND: 55806		01/08/07	AMEND: 2698.52(c), 2698.53(b), 2698.56(c)
11/13/06	AMEND: 18013, 18054		01/03/07	ADOPT: 2642.4, 2643.8, 2644.24, 2644.25, 2644.26, 2644.27, 2644.50, AMEND: 2642.5, 2642.6, 2642.7, 2643.6, 2644.2, 2644.3, 2644.4, 2644.5, 2644.6, 2644.7, 2644.8, 2644.10, 2644.12, 2644.15, 2644.16, 2644.17, 2644.18, 2644.19, 2644.20, 2644.21, 2644.23
11/08/06	AMEND: 850, 851, 852, 853, 854, 855, 857, 858, 859, 861, 862, 863, 864, 864.5, 865, 866, 867, 870 REPEAL: 850.5, 880, 881, 882, 883, 884, 886, 887, 888, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 901		12/29/06	AMEND: 2696.1, 2696.2, 2696.3, 2696.5, 2696.6, 2696.7, 2696.9, 2696.10 REPEAL: 2696.4, 2696.8
10/26/06	AMEND: 30023(c)		12/29/06	AMEND: 2052.1, 2052.4
10/23/06	ADOPT: 11991, 11991.1, 11991.2		12/29/06	AMEND: 2632.5(c)
10/16/06	ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7		12/29/06	AMEND: 2651.1, 2661.1, 2661.3, 2662.1, 2662.3, 2662.5
09/29/06	ADOPT: 19833.5, 19833.6 AMEND: 19815, 19816, 19816.1, 19819, 19824, 19828.1, 19831		12/29/06	AMEND: 2222.10, 2222.11, 2222.12, 2222.14, 2222.15, 2222.16, 2222.17, 2222.19 REPEAL: 2222.13
Title 8			12/29/06	ADOPT: 5327, 5357.1, 5358, 5358.1 AMEND: 5350, 5352
02/28/07	AMEND: 9789.40		12/27/06	AMEND: 2498.6
02/21/07	AMEND: 9780, 9783		12/26/06	ADOPT: 2698.80, 2698.81, 2698.82, 2698.83, 2698.84, 2698.85, 2698.86, 2698.87, 2698.88, 2698.89, 2698.89.1 AMEND: 2698.80, 2698.81, 2698.82, 2698.83, 2698.84, 2698.85, 2698.86
02/15/07	AMEND: 9789.11		12/22/06	ADOPT: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8
12/29/06	AMEND: 1598, 1599		12/20/06	ADOPT: 2614, 2614.1, 2614.2, 2614.3, 2614.4, 2614.5, 2614.6, 2614.7, 2614.8, 2614.9, 2614.10, 2614.11, 2614.12, 2614.13, 2614.14, 2614.15, 2614.16, 2614.17, 2614.18, 2614.19, 2614.20, 2614.21, 2614.22, 2614.23, 2614.24, 2614.25, 2614.26, 2614.27
12/27/06	AMEND: 3385		12/19/06	AMEND: 2690.90, 2690.91, 2690.92, 2690.93, 2690.94
12/21/06	AMEND: 5031		12/13/06	ADOPT: 2534.40, 2534.41, 2534.42, 2534.43, 2534.44, 2534.45, 2534.46
12/15/06	AMEND: 5006.1		11/15/06	AMEND: 2697.6, 2697.61
11/14/06	AMEND: 3482, 5161, 5178		11/09/06	AMEND: 2498.5
11/14/06	AMEND: 6368		11/09/06	AMEND: 2534.27, 2534.28
11/08/06	AMEND: 17000 Appendix		10/24/06	ADOPT: 2303, 2303.1, 2303.2, 2303.3, 2303.4, 2303.5, 2303.6, 2303.7, 2303.8, 2303.9, 2303.10, 2303.11, 2303.12,
11/02/06	AMEND: 3650			
10/18/06	AMEND: 9768.5, 9768.10, 9788.11, 9788.31, 9789.33			
09/29/06	AMEND: 341, 341.1			
Title 9				
12/29/06	ADOPT: 3100 3200.010, 3200.020, 3200.030, 3200.040 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.080, 3200.090, 3200.150, 3200.160, 3200.170, 3200.180, 3200.190, 3200.210, 3200.220, 3200.230, 3200.240, 3200.250, 3200.260, 3200.270, 3200.280, 3200.300, 3200.310, 3300, 3310, 3315, 3320, 3350, 3360, 3400, 3405, 3410, 3415, 3500, 3505, 3510, 3520, 3530, 3530.10, 3530.20, 3530.30, 3530.40, 3540, 3610, 3615, 3620, 3620.05, 3620.10, 3630, 3640, 3650			
11/21/06	AMEND: 9100			

	2303.13, 2303.14, 2303.15, 2303.16, 2303.17, 2303.18, 2303.19, 2303.20, 2303.21, 2303.22, 2303.23, 2303.24, 2303.25	11/13/06	AMEND: 2111, 2112, 2441, 2442, 2444.2, 2445.1, 2445.2, 2446
10/16/06	ADOPT: 2194.9, 2194.10, 2194.11, 2194.12, 2194.13, 2194.14, 2194.15, 2194.16, 2194.17	11/13/06	AMEND: 2445.2(a)
10/10/06	AMEND: 2498.4.9	10/30/06	ADOPT: 118.00
10/03/06	AMEND: 2498.5	10/27/06	AMEND: 423.00
10/02/06	AMEND: 2248.4, 2249.1, 2249.2, 2249.6, 2249.7, 2249.8, 2249.9, 2249.10, 2249.11, 2249.12, 2249.13, 2249.14, 2249.15, REPEAL: 2248.11, 2248.12, 2248.19	10/16/06	AMEND: 1956.8, 2404, 2424, 2425, 2485
Title 11		10/05/06	AMEND: Section 1
02/02/07	ADOPT: 9070, 9071, 9072, 9073, 9076, 9077, 9078 AMEND: 1005, 1018, 1055, REPEAL: 1011	Title 13, 17	
02/02/07	ADOPT: 999.40	12/27/06	ADOPT: 93116.3.1 AMEND: 2452, 2456, 2461, 93115, 93116.2, 93116.3
01/30/07	AMEND: 20	12/06/06	ADOPT: 2299.1, 93118
01/25/07	AMEND: 30.1	Title 14	
01/25/07	AMEND: 30.5	02/28/07	ADOPT: 5.81, 27.91 AMEND: 1.62, 1.63, 1.67, 2.00, 5.00, 5.80, 7.00, 7.50, 8.00, 27.60, 27.65, 27.90, 27.95, 28.20, 29.70, 29.80, 29.85, 195, 701
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